

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54835 of 2025

Arising Out of PS. Case No.-53 Year-2025 Thana- MANSI District- Khagaria

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Santosh Yadav @ Santosh Kumar, aged about 36 years, Gender-Male, Son of
Ram Vilas Yadav, Resident of village - Bungaliya, P.S.- Mansi, District -
Khagaria, Bihar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mrs. Seema Kumari, Advocate

For the Opposite Party : Mr. Brajendra Nath Pandey, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 12-09-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in
connection with Mansi P.S. Case No. 53 of 2025 dated
13.03.2025 registered for the offence punishable under Section
30(a) of the Bihar Prohibition and Excise (Amendment) Act,
2022.

3. As per the prosecution case, total 45 litres of illicit
country made liquor was recovered from the maize field which
is situated behind the hut and 1200 litres of semi-prepared
country made liquor was destroyed by police at the place of
occurrence.

4. Learned counsel for the petitioner has submitted



that the petitioner is innocent and has falsely been implicated in this case. The petitioner was not arrested on the spot. It is submitted that no incriminating article has been recovered from the possession of the petitioner. The name of the petitioner has surfaced in the present case on the basis of secret information but the name of the person who furnished secret information to the informant has not been disclosed in the F.I.R. The hut in question from where the illicit liquor was recovered does not belong to the petitioner rather the same belongs to the co-accused Rakesh Kumar. There is no statutory compliance of Section 103 of the B.N.S.S., 2023. The petitioner has no concern with the alleged offence. It is further submitted that the other co-accused persons, namely, Rakesh Singh, Ranveer Singh and Ram Kumar Singh have already been granted anticipatory bail by a Bench of this Court in Cr. Misc. No. 36291 of 2025 vide order dated 25.07.2025. The petitioner has one criminal antecedent in which he is on bail as stated in paragraph no. 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed the anticipatory bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the nature of allegation against the



petitioner, the petitioner, above named, in the event of his arrest or surrender within a period of six weeks from today, is directed to be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise, Khagaria in connection with Mansi P.S. Case No. 53 of 2025, subject to the conditions as laid down under Section 482(2) of the B.N.S.S., 2023 with further condition:-

(I) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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