

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59783 of 2025

Arising Out of PS. Case No.-62 Year-2025 Thana- Benibad District- Muzaffarpur

Santosh Kumar Yadav @ Santosh Rai, S/o- Kishundeo Rai, r/o Village-
Mahpur Basauli, P.S. - Garha (Ahiyapur) Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratneshwar Prasad, Advocate.

For the State : Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 23-09-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail, apprehending his arrest,
in connection with Benibad P.S. Case No. 62 of 2025, dated
08.05.2025 registered for the offences punishable under
Sections 317(5), 3(5) B.N.S. and Section 30(a) of Bihar
Prohibition and Excise Act.

3. As per allegation, 628,035 litres of illicit liquor was
recovered from three wheeler pick-up van bearing registration
No. BR06GG-7097. Further case of the prosecution is that at the
place of recovery, Motorcycle belonging to the petitioner was
also lying in suspicious condition.

4. Learned counsel for the petitioner submits that the
Petitioner is innocent and has falsely been implicated in this



case. He further submits that even as per the FIR, no contraband was recovered from the Motorcycle belonging to the petitioner and hence, there is no question of involvement of the petitioner in the alleged offence. He also submits that there is no basis of initiating the present prosecution case against the petitioner. As such, this is persecution and not prosecution, as no case is made out against the petitioner as per the alleged facts and circumstances.

5. It is also stated in paragraph No. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph No.3 of the bail petition that the petitioner has no criminal antecedent.

7. However, learned APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs.10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of



learned concerned court below in connection with Benibad P.S.
Case No. 62 of 2025, subject to the conditions as laid down
under Section 482 (2) of the B.N.S.S 2023, and on the
following conditions:

(i) In case, it is brought to the notice of the court
below that the petitioner has any criminal antecedent, learned
court below shall cancel the bail bonds of the petitioner after
hearing him and getting satisfied that the petitioner has
concealed his criminal antecedents despite his knowledge of the
same.

(ii) In case, it is brought to the notice of the court
below that statement regarding previous bail petition is wrong,
learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J)

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