

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70259 of 2025

Arising Out of PS. Case No.-354 Year-2025 Thana- MOTIHARI MUFASIL District- East
Champaran

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Santosh Kumar @ Santosh Mukhiya S/o Kishori Mukhiya @ Kishor Mukhiya
Resident of Harkaina, P.S- Mufassil, Distt.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kundan Rathore, Adv.
For the Opposite Party/s : Mr. Pushpa Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 13-10-2025 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Muffasil P.S. Case No. 354 of 2025 for the offence registered under sections 30(a) of Bihar Prohibition and Excise Amendment Act, 2022 lodged on 06.06.2025 by the informant, Kumar Saurav.

3. As per the prosecution story, the Police on secret information, raided the place and from the hut, there is recovery/seizure of 15 liter country made liquor and 200 liter pass from outside. This led to the FIR.

4. It is the case of the petitioner that he do not have criminal antecedent, recovery/seizure is not from his conscious



possession, rather from the hut which is a joint property, if granted relief, he shall be diligently appearing in trial.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail.

6. Considering the submissions of the parties as also that the petitioner has no criminal antecedent nor anything has been recovered from his conscious possession, in that background, this Court is inclined to grant him the anticipatory bail with conditions.

7. However, if it is found that contrary to the statement made in paragraph 3, the petitioner has criminal antecedent, the present order shall become infructuous.

8. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Court of Special Judge, Excise Court No. 1, East Champaran, Motihari, East Champaran, Motihari in connection with Muffasil P.S. Case No. 354 of 2025 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioner, who shall provide official



document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance and at the end of the period, the certificate be submitted to the Court;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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