

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87691 of 2025

Arising Out of PS. Case No.-353 Year-2025 Thana- KOTWALI District- Patna

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Santosh Mahto @ Santosh Kumar Son of Mahadev Mahto R/vill- Kajipur,
P.S.- Bujurg, Distt- Vaishali. P/A- Janta Road New Yarpur, Ps- Gardanibagh,
Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ram Jiban Pd Singh, Adv.

For the Opposite Party/s : Mr.Arun Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 19-12-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his/her arrest in connection with Kotwali P.S. Case No. 353 of 2025, dated 17.06.2025 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Amendment Act.

3. As per the prosecution case, the informant got secret information that one person was to go by motorcycle to take liquor near Bandar Bagicha. Informing the Senior Officer the informant reached there. After seeing the police, one person wanted to run away to turn back the motorcycle, but he was caught. He disclosed his name as Babloo Kumar. To see the action of the police nearby people gathered. They were asked to



be the witness, but none of them became ready to be the witness of search of the Motorcycle bearing Registration No. BR01CE-8288 and then in presence of the 2 constables of raiding party, it was searched, from which 2.01 liter foreign liquor was recovered. It was seized and the seizure list was prepared.

4. Learned counsel for the petitioner submits that the name of the petitioner has transpired on the ground that motorcycle belongs to the petitioner, while the said motorcycle was given to Babloo Kumar, for his personal use and has been arrested from the place of seizure. Petitioner has clean antecedent.

5. Learned APP for the State opposes the prayer for anticipatory bail application.

6. Regard being had to the submission made by the parties, taking into consideration the fact that illicit liquor has not been recovered from the constructive possession and/or premises belonging to the petitioner and petitioner has clean antecedent, accordingly, this Court is inclined to grant anticipatory bail to the petitioner.

7. Let the petitioner, above named, be released on anticipatory bail in the event of his/her arrest or surrender before the court below within a period of four weeks from today on



furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge-Bihar Prohibition and Excise-1, Patna in connection with Kotwali P.S. Case No. 353 of 2025, subject to the condition as laid down under Section 482(2) of the B.N.S.S.

(Ajit Kumar, J)

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