

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89762 of 2025

Arising Out of PS. Case No.-299 Year-2025 Thana- KUNDWACHAINPUR District- East
Champaran

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Santosh Kumar @ Santosh Chaudhary, aged about 22 years, Male, S/o Kishun Chaudhari, R/o Vill- Mesaudha, P.S.- Kundwa Chainpur, District- East Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Manoj Kumar, Advocate

For the Opposite Party : Mrs. Asha Kumari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 23-12-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with Kundwa Chainpur (K Chainpur) P.S. Case No. 299 of 2025 dated 23.10.2025, instituted under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. The allegation is of recovery of 180 litres of Nepali liquor from a Super Splendor motorcycle of Hero Honda company bearing Registration No. BR05A-3385.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. It is further submitted that no incriminating articles have been recovered from the conscious possession of the



petitioner or from his house. It is submitted that the seized motorcycle does not belong to the petitioner. The petitioner has been made an accused merely on the basis of disclosure made by the local '*choukidar*'. It is further submitted that the petitioner has eight criminal cases of a similar nature pending against him.

5. Learned A.P.P. has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No.-III, East Champaran, Motihari, in Kundwa Chainpur (K Chainpur) P.S. Case No. 299 of 2025, subject to the conditions laid down in Section 482 (2) of the *Bhartiya Nagarik Suraksha Sanhita*, 2023 and further (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below, (ii) that one of the bailor will be his own blood relation, preferably



father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, (iv) that if the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail and (v) that the petitioner will appear before the SHO of concerned PS in the first week of each month till conclusion of trial.

7. The application stands allowed.

(Khatim Reza, J)

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