

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12352 of 2026

Arising Out of PS. Case No.-21 Year-2026 Thana- BHUTAHI District- Sitamarhi

Santosh Kumar S/o Indal Malik @ Indal Mallik R/o village - Bhup Bhairo,
Ward no. 6 (New) @ Bhairo Bhup Ward no. 9 (old), P.S. - Sitamarhi, Dist. -
Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 23-02-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Bhutahi P.S. Case No. 21 of 2026, instituted for the offences
punishable under Section 317(2) of the Bharatiya Nyaya
Sanhita, 2023 and Section 30(a) of the Bihar Prohibition and
Excise Act.

3. The prosecution case, in short, is that 450 liters
liquor was recovered from car and the petitioner was arrested on
spot.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. No incriminating material has been recovered from



the conscious possession of the petitioner. The petitioner has got no concern with the alleged recovery of liquor. Learned counsel for the petitioner also submitted that the petitioner is neither owner nor driver of the car in question rather he was a passerby of that way and has been arrested only on the basis of suspicion. The petitioner is in custody since 22.01.2026 and has got one criminal antecedent in which he is on bail. There is no compliance of Section 103 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Bhutahi P.S. Case No. 21 of 2026, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date



fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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