

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26804 of 2026

Arising Out of PS. Case No.-1104 Year-2025 Thana- AHIYAPUR District- Muzaffarpur

Santosh Kushwaha Son of Vishwanath Kushwaha Resident of Village- Ali
Neura, P.S.- Minapur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 08-05-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The instant application for anticipatory bail has been
filed by the petitioner apprehending his arrest in connection with
Ahiyapur P.S. Case No. 1104 of 2025 instituted for the offence
under Sections 30(a), 41, 32(2) of the Bihar Prohibition and
Excise Act.

3. The case of the prosecution is that altogether 3546
liters of foreign liquor was recovered from a truck.

4. Learned counsel appearing on behalf of the petitioner
has submitted that petitioner is innocent and has committed no
offence. He has falsely been implicated in this case. He was not
apprehended on the spot rather his name has transpired on the
basis of disclosure made by apprehended co-accused person,
namely, Vikash Kumar. Nothing has been recovered from the



possession of this petitioner. There is no independent witness of the seizure list rather they are police personnel. Police has not complied Section 105 of BNSS while preparing the seizure list. He has no concern either with the alleged truck or with the alleged recovery of liquor.

5. In contra, learned APP appearing for the State has opposed the prayer of bail of the petitioner.

6. Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Ahiyapur P.S. Case No. 1104 of 2025, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge Excise-I, Muzaffarpur subject to the conditions as laid down under section 482(2) of B.N.S.S.

(Ashok Kumar Pandey, J)

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