

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31307 of 2026

Arising Out of PS. Case No.-213 Year-2024 Thana- SHERGHATI District- Gaya

Santosh Kumar Son of Yadunandan Chaudhary Resident of Village - Gulni,
P.S.- Gurua, Distt.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar

For the Opposite Party/s : Mr.Lakshmi Kant Sharma

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 13-05-2026 Heard the parties.

2. The accused/petitioner is named in the F.I.R. and apprehending his arrest in connection with Sherghati P.S. Case No. 213 of 2024 registered for the offences punishable under Section 30 (a) of the Bihar Prohibition and Excise Act.

3. The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 300 litres of IMFL/country made liquor from motorcycle bearing reg. no. BR 02 AM 8425.

4. Learned counsel appearing on behalf of the petitioner submitted that recovery of illicit liquor was made from the motorcycle, which is not connected in any manner with the petitioner. It is submitted that name of petitioner transpired in this case on the basis of disclosure as made by apprehended co-accused persons. It is submitted that recovery was not made



from the conscious physical possession of the petitioner. It is also submitted that seizure list appears doubtful being not supported by independent witnesses rather by police personnels. While concluding the argument it is submitted that petitioner found involved in two more cases, where he is on bail.

5. Learned APP, opposes the prayer for bail.

6. In view of the facts and circumstances as mentioned above and as recovery of illicit liquor *prima-faice*, not appears to be made from the conscious physical possession of this petitioner, accordingly the petitioner above named, in the event of his arrest or surrender before the learned trial court within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No. 5, Gaya/concerned trial court where the case is pending in connection with Sherghati P.S. Case No. 213 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C./ Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

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