

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40763 of 2026

Arising Out of PS. Case No.-25 Year-2022 Thana- KUTUMBA District- Aurangabad

Santosh Kumar Singh @ Buta Late Saryu Singh @ Saryu Prasad Singh
Resident of Village - Karamdih, P.S.- Kutumba, District - Aurangabad (Bihar)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Kamlendra Prasad Singh, Advocate
For the Opposite Party : Mr.Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 24-06-2026 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. The accused/petitioner is not named in the FIR

and apprehending his arrest in connection with Kutumba P.S.

Case No.25 of 2022 registered under Section 30(a) of Bihar

Prohibition and Excise Amendment Act, 2018.

3. Allegation against the petitioner is to engage in

illegal trade/manufacturing of illicit liquor, where there is

recovery of 44 litres of IMFL/country-made liquor.

4. It is submitted by learned counsel appearing for

the petitioner that the name arrayed solely on the suspicion

that petitioner was driving the motorcycle for carrying illicit



liquor. It is submitted that petitioner is not the owner of the motorcycle which was recovered from the spot. It is also submitted that recovery of illicit liquor was not made from conscious possession of this petitioner. It is further argued that no independent witness was associated with the search and seizure list and the seizure witnesses were police personnel themselves. Explaining criminal antecedent, it is submitted that the petitioner found involved in two criminal cases, where he is on bail.

5. Learned APP opposed the prayer of anticipatory bail to the petitioner.

6. In view of aforesaid factual submissions and by taking note of the fact as recovery of illicit liquor *prima facie* not appears to be made from physical possession of this petitioner, accordingly, the petitioner, above-named, in the event of his arrest or surrender in the court below within a period of four weeks from today, is directed to be released 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 the learned District and Additional Sessions



Judge-cum-Exclusive Special Judge, Excise Court No. 1,
Aurangabad in connection with Kutumba P.S. Case No.25 of
2022, subject to the conditions as laid down under Section
438(2) of the CrPC/under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J.)

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