

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48296 of 2026

Arising Out of PS. Case No.-375 Year-2026 Thana- MADHAURAH District- Saran

Santosh Kumar @ Santos Kumar S/O Tarkeshwar Raut @ Tarkeshwar Prasad
Village - Fenhara, P.S. Taraiya, Dist- Saran at Chapra

... .. Petitioner/s

Versus

The State Of Bihar Patna

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE KUMAR MANISH
ORAL ORDER

2 22-07-2026 Heard Mr. Vijay Kumar, learned counsel appearing
on behalf of the petitioner and Mr. Khurshid Anwar, learned
APP for the State.

2. The present application has been filed on behalf of
the petitioner for grant of regular bail in connection with
Marhowrah P.S. Case No. 375 of 2026, for the offence
punishable under sections 30(a) and 41(1) of the Bihar
Prohibition and Excise Act.

3. As per the prosecution case, on a secret
information, the Police reached on the spot from where total 225
litres of country made liquor was recovered and 52.5 litres of
country made wine has been recovered from the possession of
the petitioner.

4. Learned counsel for the petitioner submitted that



the petitioner is innocent and has falsely been implicated in the present case having clean antecedent. It is further submitted that the seizure list witnesses are police personnel and not independent witness so there is non-compliance of Sections 103 and 105 of BNSS. The petitioner is in custody since 29.04.2026.

5. Similarly situated co-accused person, namely, Parduman Kumar Baitha, has been granted regular bail by a coordinate Bench of this Hon'ble Court vide order dated 17.06.2026 passed in Cr. Misc. No. 38045 of 2026 and other similarly situated co-accused person, namely, Dilip Kumar @ Dilip Prasad @ Deelip Prasad has been granted regular bail by a coordinate Bench of this Hon'ble Court vide order dated 27.05.2026 passed in Cr. Misc. No. 36129 of 2026.

6. Learned APP for the State has vehemently opposed the prayer for bail.

7. Considering the facts and circumstances of the case, the petitioner, above named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise-2, Saran at Chapra/concerned court in connection with Marhowrah P.S. Case No. 375 of 2026, subject to following conditions:-



(i) One of the bailors should be family member of the petitioner.

(ii) Petitioner will co-operate in the trial and will remain present on all dates personally or should be duly represented through his counsel and whenever required to be physically present by the court, he should physically appear in the Court on that date.

(iii) 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.

(Kumar Manish, J)

Ranjeet/-

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