

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42383 of 2026

Arising Out of PS. Case No.-204 Year-2026 Thana- LAHERIYASARAI District- Darbhanga

Santosh Kumar S/o Lakshman Sah R/o Village / Mohalla - Madarpur, Ward
No.26, P.S - Laheriasarai, District - Darbhanga, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinay Kumar Mishra, Advocate

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 08-07-2026 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending arrest in connection with Leheriasarai P.S. Case No. 204 of 2026 registered on 15.04.2026 for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per prosecution, the recovery of 15.56 litres of foreign liquor from two plastic bags allegedly dropped by the accused persons while fleeing from the place of occurrence, is the subject matter of the present case.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case.



Nothing has been recovered from his conscious possession but his name has come in the present case only at the instance of the informer, namely, Neeraj Kumar and except the same there is nothing on record to suggest that the alleged recovery belongs to the petitioner. It is further submitted that though the petitioner is accused in one more criminal case, but in that case, he has been granted bail and he is ready to cooperate with the investigation.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that the antecedents of the petitioner are not clean and submits that the petitioner was named by the informer and while fleeing from the place of occurrence, two plastic bags containing 15.56 litres of foreign liquor and one mobile phone were recovered. Moreover, the petitioner is accused in one more criminal case of similar nature.

6. In this background, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for bail of the petitioner in connection with Leheriasarai P.S. Case No. 204 of 2026, pending before the learned Exclusive Special Judge II, Darbhanga is hereby rejected.

7. However, if the petitioner surrenders before the Trial Court within six weeks from today, the Trial Court shall



pass an order on his surrender-cum-bail application on the same day, without being prejudiced by the fact that the petitioner’s anticipatory bail has been rejected by this Court.

(Dr. Anshuman, J)

Manshi/Ashwini

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