

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48083 of 2026**

Arising Out of PS. Case No.-219 Year-2025 Thana- Excise Jhanjharpur District- Madhubani

Santosh Kumar Yadav @ Santosh Yadav @ Santosh Kumar S/o Rajaram
Yadav R/o Village- Vishnupur, P.S- Phulparas, Dist- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hriday Narayan Harshit, Advocate

For the Opposite Party/s : Mr. Akbar Ali, APP

**CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER**

2 22-07-2026 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Excise Jhanjharpur P.S. Case No.219 of 2025, F.I.R dated 23.11.2025 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

3. As per the prosecution case, on secret information, S.H.O Jhanjharpur Police Station, on 23.11.2025 along with the informant and other police personnel reached at the place of



occurrence and found 405 litres of Nepali Wine in the rented house which was rented by co-accused Tarun Kumar @ Lalan.

4. Learned counsel for the petitioner submits that the place of recovery is from a house, besides Samir Garage and the petitioner is in no way connected with the seized articles. It has further been submitted that the search and seizure is said to have been made without adhering to the procedures / provisions prescribed under the B.N.S.S. Act. Lastly, it has been submitted that the petitioner has four criminal antecedent but is on bail in the said cases.

5. Learned counsel for the petitioner, on instructions, and without accepting his guilt, proposes to deposit a sum of Rs.5000/- (Rupees Five Thousand only) in the welfare account of the Advocates' Association of the Patna High Court.

6. Learned APP for the State opposes the prayer for anticipatory bail application.

7. Regard being had to the submission made by the parties, taking into consideration the fact that illicit liquor has not been recovered from the constructive possession and / or premises belonging to the petitioner rather the seized liquor has been recovered from one Samir garage, which is in no way connected with the petitioner, accordingly, this Court is inclined



to grant anticipatory bail to the petitioner.

8. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise Court, Jhanjharpur, Madhubani, in connection with Excise Jhanjharpur P.S. Case No.219 of 2025 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

(i) one of the bailors should be the family member/relative/known of the petitioner(s) who shall provide official document/personal affidavit to show his/her bona fide;

(ii) the petitioner(s) shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her/their bail bond by the Trial Court itself;

(iii) the petitioner(s) shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;



(iv) the petitioner(s) shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Ajit Kumar, J)

sharun/-

U		T	
---	--	---	--

