

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71331 of 2025

Arising Out of PS. Case No.-24 Year-2016 Thana- THAWE District- Gopalganj

Santosh Kumar S/O Shankar Sahni R/O Village- Badar Jimi, P.S.- Mirganj,
Distt.- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikash Kumar Shukla, Advocate

For the Opposite Party/s : Mr. Ramesh Chandra, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 13-01-2026 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 272, 273 and 420 of the Indian Penal Code as well as Section 47(a) of the Bihar Prohibition and Excise Act, 2016.

3. Learned counsel for the petitioner submits that the case was taken up on 15.10.2025 when a learned Coordinate Bench of this Court had sought a report from the District Magistrate, Gopalganj but the same till date has not been received.

4. The Court will not wait endlessly for the report of the District Magistrate, Gopalganj.

5. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and allegation is of



recovery of 672 litres of liquor from a Bolero.

6. Learned counsel for the petitioner submits that petitioner was not arrested from the spot, as such, nothing was recovered from his conscious possession. It is further submitted that petitioner is not the owner of the seized vehicle and came to be implicated based on the confessional statement of apprehended accused in police custody which does not have any evidentiary value in the eye of law.

7. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

8. Considering the submissions made by the learned counsel for the petitioner, let the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on provisional anticipatory bail on furnishing bail bonds of Rs.500/- (Rupees Five Hundred) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Thawe P.S. Case No. 24 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C./482(2) of the BNSS.

9. It is made clear that thereafter the learned trial court shall verify the criminal antecedent of the petitioner and if



it is found that petitioner has antecedent of even one case, it would be presumed that petitioner had concealed his antecedent before this Court at para 3 of the anticipatory bail application in that event the provisional anticipatory bail order shall not be confirmed but if it is found on verification that petitioner is a person with clean antecedent in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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