

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88833 of 2025

Arising Out of PS. Case No.-268 Year-2025 Thana- KUNDWACHAINPUR District- East
Champaran

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Santosh Kumar @ Santosh Chaudhary S/o Kishun Chaudhari R/o Vill-
Mesaudha, P.S.- Kundwa Chainpur, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar
For the Opposite Party/s : Ms. Asha Kumari

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 05-01-2026 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 offence punishable under Sections 317(5) of
B.N.S. and Section 30(a) of Bihar Prohibition and Excise
(Amendment) Act.
3. Learned counsel for the petitioner submits that
petitioner has antecedent of 8 cases and all the cases are under
the Excise Act and allegation is of recovery of 171 litres of
liquor from two motorcycles. It is next submitted that petitioner
was not arrested from the spot as such nothing was recovered
from his conscious possession and is not the owner of any of the
seized vehicle and he came to be implicated at the instance of



chowkidar but then it is submitted that if chowkidar was aware of the involvement of the petitioner in the instant case then why he did not inform the police prior to institution of the instant FIR, which casts an aspersion on the case of the prosecution. It is next submitted that once an accused is implicated in a case relating to excise, the police starts implicating mechanically either through chowkidar, local person, confessional statement or secret information without holding a proper investigation.

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

5. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on provisional anticipatory bail on furnishing bail bonds of Rs.40,000/- (Rupees forty thousand) 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 Kundwa Chainpur (K Chainpur) P.S. Case No.268/2025, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

6. It is made clear that the learned trial court thereafter



shall verify the criminal antecedents of the petitioner and in the event if it is found that petitioner has antecedent of more than eight cases, in that event, it would be presumed that petitioner had concealed his antecedent before this court, as such, the provisional anticipatory bail order shall not be confirmed but if on verification it is found that petitioner has antecedent of eight cases, in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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