

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53667 of 2017

Arising Out of PS.Case No. -17 Year- 2017 Thana -SURYAGARHA District- LAKHISARAI

1. Santosh Kumar, son of Bindeshwari Rai, resident of village- Phulkiya,
P.S.- Bariyarpur, District- Munger.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 22-11-2017

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner seeks bail in **Surajgarha P.S. Case No.17 of 2017** instituted for the offence under Section(s) 272, 273, 420, 120-B Indian Penal Code and Section 30(a), 32(c), 38(D) of the Bihar Prohibition & Excise Act, 2016.

Prayer of the petitioner for bail was earlier rejected by this Court by order dated 21.04.2017 passed in Cr. Misc. No.14618 of 2017 with liberty to renew the prayer for bail after six months if no substantive progress is made in the trial.

A report was called for from the Trial Court, which has been received, from which it appears that the case is pending for supply of Police Paper.

Counsel for the petitioner has submitted that



petitioner is in custody since 22.01.2017.

As per allegation, total 1536 bottles of Royal Stag Premier Whisky kept in 32 cartons, 2088 bottles of MacDowell kept in 87 cartons were recovered from the Mini Mahindra Truck. Petitioner was driver of the aforesaid truck. He could not produce any valid paper in respect of the illicit liquor. He has stated that he was taking illicit liquor from Deoghar to Sheikhpura. The petitioner on his arrest disclosed before the police that the liquor belongs to Sunil Singh and three others whose name he does not know.

Learned counsel for the petitioner has submitted that owner of the vehicle has been granted anticipatory bail by a co-ordinate Bench of this Court by order dated 21.09.2017 passed in Cr. Misc. No.29274 of 2017.

Keeping in view the period spent by the petitioner in custody and the fact that the case is still pending at the stage of supply of Police Paper, prayer of the petitioner for grant of bail is allowed. Let the petitioner, above named, be released on bail on furnishing bail bond of `10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the **Chief Judicial Magistrate, Lakhisarai**, in connection with **Surajgarha P.S.**



Case No.17 of 2017, subject to the condition that both the bailors shall be close relative of the petitioner.

Petitioner will remain physically present on each and every date of trial and will not obstruct the trial and influence the witnesses. Absence of the petitioner on two consecutive dates without any reasonable cause will amount to cancellation of bail bond of the petitioner.

Petitioner will file an Affidavit at the time of his release that he will not indulge in such activities in future, otherwise, his bail bond will be liable to be cancelled.

(Sanjay Priya, J)

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