

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10331 of 2018

Arising Out of PS. Case No.-451 Year-2017 Thana- MOTIHARI TOWN District- East
Champaran

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Santosh Prasad @ Santosh Kumar S/o Late Mahabir Prasad, R/o Village-
Thakurbari, Ward No.11, P.S.- town Motihari, District- East Champaran
(Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar Tondon
For the Opposite Party/s : Mr. INDRA KUMAR SINGH

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 23-02-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case instituted for the
offences under Sections 30(A), 36 and 41(i) of the Bihar
Prohibition and Excise Act, 2016.

Prosecution case, in short, is that 17.28 liters wine is
recovered.

It has been submitted on behalf of the petitioner that
the petitioner is in custody since 08.12.2017. Charge-
sheet/prosecution report has been submitted in this case. There
is no allegation of tampering of witnesses alleged against the
petitioner. The name of the petitioner has transpired as the
alleged recovery is made from the joint house of the petitioner



where the other family members also reside. It is alleged that 17.28 liters wine is recovered from the joint house of the petitioner. Petitioner was not apprehended on the spot. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner had no knowledge regarding the alleged incident. There is no compliance of Section 100 Cr.P.C.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R/complaint case.

Considering the aforesaid facts and circumstances, it is directed that the petitioner, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, East Champaran, Motihari in connection with Motihari Town P.S. Case No. 451 of 2017.

(Sudhir Singh, J)

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