

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41767 of 2018

Arising Out of PS. Case No.-417 Year-2017 Thana- PHULWARI District- Patna

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Santosh Kumar, S/o Lalan Singh, R/o Village-Narayanpur, P.S. Naubatpur,
Distt-Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar

For the Opposite Party/s : Mr. Sri Abhay Kumar - 1

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

3 25-07-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in connection with
Phulwarisharif (Janipur) P.S. Case No. 417 of 2017 registered
under Section 3(a)(b)(c), 38(1) and 41(i) of Bihar Prohibition
and Excise Act, 2016.

432 lts. of foreign liquor is said to have been
recovered from a Tata Magic Van and three persons including
the petitioner sitting on the said vehicle were apprehended.

It is submitted by learned counsel for the petitioner
that no incriminating article has been recovered from conscious
physical possession of the petitioner. He has no concern either
with the seized liquor or with the vehicle in question. He



happens to be commuter of the said vehicle and was travelling in it without knowing of keeping of liquor in the said vehicle. He has been falsely implicated in this case. He has no criminal antecedent. He has been languishing in custody since 08.07.2017. Earlier, the bail prayer of the petitioner was rejected by this Court vide order dated 24.01.2018 with direction to the court below to conclude the trial within five months, but the charge in the case has not yet been framed. Similarly situated co-accused, namely, Sidhartha Kumar and Sumit Kumar @ Sumit Singh have been enlarged on bail by different co-ordinate Bench of this Court vide order dated 18.12.2017 and 30.01.2018 passed in Cr. Misc. no. 57504 of 2017 and 69 of 2018 respectively.

In the facts and circumstances of the case, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Act, Patna in connection with Phulwarisharif (Janipur) P.S. Case No. 417 of 2017.

(Prakash Chandra Jaiswal, J)

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