

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50368 of 2018

Arising Out of PS.Case No. -48 Year- 2018 Thana -NATIONAL HIGHWAY District-
SAMASTIPUR

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Santosh Kumar, Son of Late Laxman Das, resident of village – Dih
Sarsauna, Police Station – N.H. Bangara, District – Samastipur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh

For the Opposite Party/s : Mr. Dilip Kumar

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

ORAL ORDER

2 16-08-2018

Heard learned counsel for the petitioner and learned

APP for the State.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 272 and 273/34 of the Indian
Penal Code and Sections 30(a) and 38 of the Bihar Prohibition and
Excise Act, 2016.

1446 litres of foreign liquor is said to have been
recovered from the truck and 896 litres of foreign liquor was
recovered from the pickup van and the drivers of the aforesaid two
vehicles were apprehended while others managed to escape.
Apprehended accused disclosed the name of the petitioner as one
of their fleeing accomplices in the occurrence.

It is submitted by learned counsel for the petitioner



that no incriminating article has been recovered from the conscious physical possession of the petitioner. He has no concern either with the seized liquor or vehicles in question. He has been falsely implicated in the case by the apprehended accused due to animosity. Barring the aforesaid disclosure made by the apprehended accused, there is nothing in the record indicating the complicity of the petitioner in the occurrence. He was not apprehended on the spot. He has no criminal antecedent. He has been languishing in custody since 24.06.2018. Similarly situated co-accused, namely, Vinay Kumar, Santosh Kumar Das, Golu Kumar, Amresh Kumar, Munna Kumar, Amrendra Kumar, Nandu @ Nand Kishore and Mahesh Kumar have been enlarged on anticipatory bail by a co-ordinate bench of this court.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge-VI cum Special Judge, Excise, Samastipur in connection with N.H. Bangra P.S. Case No. 48 of 2018.

(Prakash Chandra Jaiswal, J)

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