

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63649 of 2017

Arising Out of PS.Case No. -559 Year- 2017 Thana -BETTIAH CITY District-
WESTCHAMPARAN(BETTIAH)

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Santosh Patel S/o Balam Patel , R/o Village- Bhitaha Mathiya, P.S.-
Bairiya, District- West Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Sanjay Kumar No.-7, Advocate.

For the Opposite Party/s : Smt. Renuka Ratnakar, APP.

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

3 24-01-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in Bettiah Town P.S. Case
No. 559 of 2017 registered under Section 30(A) of the Bihar
Excise and Prohibition Act, 2016.

1347 litres of foreign liquor is said to have been
recovered from the pick up van and driver of the said vehicle
namely Mukhlal was apprehended by the police. The said driver
divulged that the aforesaid liquor was loaded by one Deepak Patel
and the petitioner and two other accused persons, namely, Sunil
Kumar Gupta and Anil Kumar Gupta are associates of Deepak
Patel.

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 neither any concern with the aforesaid Deepak Patel nor with the seized liquor. There is nothing in the record indicating the complicity of the petitioner in the occurrence barring the confessional statement of Mukhlal which has no evidentiary value in the eye of law. Though two criminal cases have been lodged against the petitioner, but he has been enlarged on bail in the aforesaid cases. Similarly situated co-accused, namely, Sunil Kumar Gupta and Deepak Patel who are said to have loaded the aforesaid liquor on the pick up van have been enlarged on bail by different co-ordinate benches of this court vide order dated 09.11.2017 and 16.11.2017 passed in Cr. Misc. Nos. 51083 of 2017 and 55013 of 2017 respectively. He has been languishing in custody since 13.10.2017.

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 Special Judge, Excise, West Champaran, Bettiah in connection with Bettiah P.S. Case No. 559 of 2017.

(Prakash Chandra Jaiswal, J)

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