

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.74521 of 2018

Arising Out of PS. Case No.-310 Year-2018 Thana- GAYA MUFASIL District- Gaya

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Santosh Kumar Son of Mahabir Sao, Resident of Village- Nauranga, P.S.-
Muffasil, District- Gaya. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shivendra Prasad

For the Opposite Party/s : Smt. Sharda Kumari

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER

3 06-02-2019 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 Section 30(a) of the Bihar Prohibition
and Excise Act, 2016.

1624 liters of foreign liquor is said to have been
recovered from the house of Kiran Devi and Kiran Devi and
Laloo Manjhi were apprehended while six other accused
persons managed to escape. Kiran Devi in her confessional
statement named the petitioner as the person involved in the
trafficking and storing of the said liquor in the house.

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 the place of recovery or any trade of
liquor. Petitioner has been falsely implicated in the case by said



Kiran Devi due to animosity. Barring her confessional statement nothing is on record indicating the complicity of the petitioner in the occurrence. Though two more criminal cases, not under the Excise Act, have been lodged against the petitioner but he is on bail in the said cases. He has been languishing in custody since 08.10.2018. Similarly situated co-accused, namely, Vicky Kumar @ Vicky Sah has been enlarged on regular bail by a co-ordinate bench of this Court vide order dated 10.01.2019 passed in Cr. Misc. No. 79039 of 2018 while Vikash Sao & another and Suresh Yadav and another have been enlarged on anticipatory bail by a co-ordinate Bench of this Court vide order dated 12.10.2018 and 29.10.2018 passed in Cr. Misc. Nos.64356 of 2018 and 65493 of 2018 respectively.

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, Gaya in connection with Muffasil P.S. Case No.310 of 2018.

(Prakash Chandra Jaiswal, J)

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