

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67771 of 2019

Arising Out of PS. Case No.-358 Year-2019 Thana- PHULWARISHARIF District- Patna

SANTOSH KUMAR, Male, aged about 25 years, Son of Wiswanath Rai,
Resident of Upharpura, P.S.- Phulwari Sharif, District - Patna

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subhash Prasad Yadav

For the Opposite Party/s : Mr.Ajit Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 04-12-2019 Heard both sides.

The petitioner seeks bail in Phulwari Sharif P.S. Case No.358 of 2019, registered under Sections 467, 468, 474, 420 and 120(B) of the Indian Penal Code and under Section 30(a) of the Bihar Prohibition and Excise Act.

The informant on secret information went to the barren land of Santosh Kumar situated in front of the house of Vinay Kumar and found a truck and two Sumo vehicles parked there but seeing the police, the accused persons started fleeing away. On chase, Ashish Rahane, Raj Kamal, both sons of Vishundeo Rai and Vinay Kumar were apprehended and they disclosed the name of five other accused persons including the petitioner, Santosh Kumar. From the vehicles huge quantity of Indian made foreign liquor was recovered. Some fake and



forged documents were also seized from the vehicles.

Learned counsel for the petitioner submits that the informant got information that Arvind Kumar, Ranjeet @ Ashish Rahane, Raj Kamal, Vinay Kumar, Santosh Kumar, the petitioner, Jittoo Kumar, Pramod Kumar and Pramod Kumar brought huge consignment of liquor and on such raid was conducted. It is true that the *parti* land of the petitioner is situated in front of the house of Vinay Kumar but there is nothing on record to show that the petitioner brought the huge consignment of liquor from the truck. Similarly situated co-accused persons, namely, Jittoo Kumar @ Chandan Kumar @ Jittoo @ Chandan, Pramod Kumar, son of late Ram Pukar Ray and Pramod Kumar, son of Basgeet Rai have already been granted regular bail by different Benches of this Court. The case of the petitioner stands on the same footing. The truck was parked in front of the house of Vinay Kumar. The petitioner is in jail since 30.08.2019.

Taking into consideration the facts aforesaid and the fact that similarly situated three accused persons have already been granted regular bail, petitioner, above named, 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 Act, Patna in
connection with Phulwari Sharif P.S. Case No.358 of 2019
(Special Case No.3671 of 2019).

(Prabhat Kumar Jha, J)

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