

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75504 of 2019

Arising Out of PS. Case No.-300 Year-2019 Thana- RAJAOLI District- Nawada

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Santosh Mishra @ Santosh Pandey Son of Kapildeo Mishra, Resident of
Village - Chakbai @ Chakvay, P.S.- Warisaliganj, District- Nawada

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Devendra Prasad Singh, Advocate

For the Opposite Party/s : Mr.Suresh Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 26-11-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Rajauli P.S. Case No. 300 of 2019 registered for the offences punishable under Sections 30(a), 37(ii) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that petitioner has no concern with the alleged illicit liquor. It is submitted that the alleged liquor has been recovered from a Tempo on which three passengers were boarded and the petitioner has no knowledge about the liquor carried by them.

Learned A.P.P. for the State has submitted that in the impugned order learned Special Judge has recorded that the application is an habitual offender but it is the submission of



learned counsel for the petitioner that a bare perusal of the paragraph in which such statement is recorded, it shows that it was mere a submission of the learned APP in the court below without there being any material.

Considering the facts and circumstances of the case, wherein it is the submission of the petitioner that 32 liters of illicit liquor were recovered from the Tempo on which three passengers were boarded, the petitioner has no criminal antecedent and has remained in custody since 24.08.2019, let the petitioner above named be released on bail in connection with Rajauli P.S. Case No. 300 of 2019 on furnishing of bail bond of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Nawada, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person



acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

(Rajeev Ranjan Prasad, J)

ved/-

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