

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.14082 of 2020

Arising Out of PS. Case No.-378 Year-2019 Thana- BRAHMPUR District- Buxar

SANTOSH SINGH, aged about 40 years, Male, Son of Vijay Bahadur Singh,
Resident of Village - Banarahi, P.S.- Phephna, District - Balia (U.P.)
... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Birendra Kumar Singh, Adv.
For the Opposite Party : Mr. Asha Devi, APP

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 12-06-2020 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the state through video conferencing.

The petitioner seeks pre-arrest bail in connection with
Brahmpur (Nonijor) P.S. Case No. 378 of 2019, registered under
Sections 420, 414, 120B/34 of the Indian Penal Code and 30(a) of the
Bihar Prohibition and Excise (Amendment) Act, 2018.

In course of patrolling duty, white colour vehicle was seen
near Shivjee temple situated at Badki Nonijor. On giving the signal to
stop, the Bolero vehicle was stopped. On query, the person, who was
on driving seat disclosed his name Kanhaiya Yadav and another person
disclosed his name Munna Yadav. On search, ten cartons, each
containing 48 bottles of 180 ml Indian made foreign liquor recovered.
The driver, Kanhaiya Yadav, disclosed that some bottles have unloaded
at Hospital, situated at Badki Nonijor Road, and the liquor has been
given by Santosh Singh while Munna Yadav disclosed that his villager,
Devendra Singh, has asked him to unload the liquor at village Badki
Nonijor to Jitendra Tiwari and Tripurari Tiwari, both sons of
Ramchandra Tiwari, and ten cartons were to be unloaded at village



Bishupur.

Submission is that the petitioner was not apprehended on spot nor the petitioner is the owner of the said Bolero vehicle, but, with ulterior motive, the name of the petitioner has been implicated in this case showing his name in the confessional statement of co-accused, who were apprehended from the vehicle.

Having regard to the facts and circumstances of the case, let the petitioner, above named, in the event of surrender/arrest, within a period of four weeks from today, in connection with Brahmpur (Nonijor) P.S. Case No. 378 of 2019 shall be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the Additional District Judge II-cum-Special Judge, Excise, Buxar, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

Shamshad/-

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