

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19915 of 2020

Arising Out of PS. Case No.-130 Year-2019 Thana- BALIYA District- Begusarai

SANTOSH SINGH @ SANTOSH KUMAR SINGH, aged about 26 years
(Male), Son of Bulak Singh @ Ram Prakash Singh, R/o Village- Bariyaripur,
P.S.- Baliya, District- Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Chandan Kumar Kashyap, Advocate.
For the Opposite Party : Mr. Choubey Jawahar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 29-06-2020 Due to COVID-19 Pandemic, the matter is being
taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For
Orders’ under the orders of Hon’ble the Chief Justice.

Learned counsel for the petitioner is directed to
remove the defects, as pointed out by the office, within a period
of four weeks from the date of lifting of the lockdown in the
State of Bihar.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in a case for the offence
registered under Sections 30(a), 38(i) and 41(i) of the Bihar
Prohibition and Excise Act, 2016.



The prosecution story, in brief, is that total 494.625 liters wine is said to have been recovered.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 19.02.2020. The petitioner has falsely been implicated in the present case. Charge sheet/prosecution report has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. It is alleged that 494.625 liters wine is recovered from the co-accused Raushan Singh. No incriminating article is recovered from conscious possession of the petitioner. The petitioner had no knowledge regarding the alleged incident. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in the present case. There is no compliance of Section 100 of Cr. P.C.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R./ complaint case.

Considering the facts and circumstances of the case and also the lockdown, the petitioner above named, is directed to be released on bail on his personal bond to the satisfaction of the learned 2nd Additional Sessions Judge-cum-Special Judge,



Excise Act, Begusarai, in connection with Baliya P.S. Case No. 130 of 2019.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) with two sureties of the like amount each within a period of four weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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