

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No. 12541 of 2021**

Arising Out of PS Case No.-437 Year-2019 Thana- BRAHAMPUR District- Buxar

Santosh Pandey, aged about 31 years, Male, Son of Yamuna Pandey, Resident of Village - Sapahi, PS - Brahampur, District - Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                      |   |                                                             |
|----------------------|---|-------------------------------------------------------------|
| For the Petitioner/s | : | Mr. Majoj Kumar with<br>Mr. Arvind Kumar Pradhan, Advocates |
| For the State        | : | Mr. Jharkhandi Upadhyay, APP                                |

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH**  
**ORAL JUDGMENT**

**Date : 30-06-2021**

The matter has been heard *via* video conferencing.

2. Heard Mr. Manoj Kumar, learned counsel along with Mr. Arvind Kumar Pradhan, learned counsel for the petitioner and Mr. Jharkhandi Upadhyay, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner is in custody in connection with Brahampur (Nainizore) PS case No. 437 of 2019 dated 04.10.2019, instituted under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.

4. This is the second attempt for bail by the petitioner as earlier such prayer was rejected by order dated 21.08.2020 passed in Cr. Misc. No. 19193 of 2020.

5. The allegation against the petitioner is that he left his motorcycle and ran away when the police chased him and he was



caught and from a sack on the motorcycle, there was recovery of 108 bottles of illicit liquor.

6. Learned counsel for the petitioner submitted that he has been falsely implicated due to village politics as neither the motorcycle nor the seized liquor belongs to him and further, that no independent witness has supported the prosecution story. Learned counsel submitted that though he has antecedent of many other cases, but in none of the same, there has been actual recovery from his possession of any incriminating article. Learned counsel submitted that the petitioner is in custody since 04.12.2019.

7. Learned APP submitted that the petitioner has criminal antecedent and is accused in many cases of the same nature and, thus, he is deeply into the business of illicit liquor.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Buxar in Brahampur (Nainizore) PS Case No. 437 of 2019 subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors



shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any illegal/criminal activity, act in violation of any law/statutory provisions, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, shall also lead to cancellation of his bail bonds.

9. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioner, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioner.

10. The application stands disposed off in the aforementioned terms.

**(Ahsanuddin Amanullah, J.)**

P. Kumar

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