

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11629 of 2020

Arising Out of PS. Case No.-53 Year-2008 Thana- GOVERNMENT OFFICIAL COMP.
District- Jehanabad

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Santosh Kumar, aged about 40 years, (M), Son of Naresh Saw @ Naresh Prasad, Resident of Village - Rampur Chai, P.S. - Karpi, District - Arwal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Paras Nath, Advocate
For the State : Mr. Tapeswar Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 17-02-2021

Heard Mr. Paras Nath, learned counsel for the petitioner and Mr. Tapeswar Sharma, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. This is the second attempt for bail by the petitioner as earlier such prayer was rejected by order dated 16.12.2019 in Cr. Misc. No. 78491 of 2019.

3. The petitioner is in custody in connection with Excise Case No. 53 of 2008 dated 26.11.2007, instituted under Section 47(a) of the Bihar Excise Act, 1915.

4. The allegation against the petitioner is that from his shop 124.285 litres of Indian made foreign liquor was recovered.

5. Learned counsel for the petitioner submitted that it



was the first offence of the petitioner and further that he was only a salesman in the shop. With regard to him having absconded for 12 years, it was submitted that the petitioner had no information about the case. It was submitted that earlier the Court had rejected the application primarily on the ground that the petitioner had not come before the Court for 12 years. Learned counsel submitted that the maximum sentence for the offence is 3 years with fine and the petitioner is in custody since 22.10.2019.

6. Learned APP submitted that it was the shop of the petitioner as is clear from the seizure list itself and thus, he cannot be said to have been unaware of the case being filed.

7. 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 Additional Sessions Judge-II-cum-Special Judge, Excise, Jehanabad in Excise Case No. 53 of 2008 (Re-Trial No. 4143 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, without sufficient cause, shall also lead to cancellation of his bail bonds.

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

(Ahsanuddin Amanullah, J)

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