

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34749 of 2021

Arising Out of PS. Case No.-378 Year-2020 Thana- MADHUBAN District- East Champaran

SANTOSH KUMAR Son of Jhigur Bhagat Resident of Village - Barapakar,
P.S.- Madhuban, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ramakant Yadav, Adv. Mr.Rakesh Kumar No.1, Adv. Mr.Anshuman Singh, Adv.
For the Opposite Party/s :		Mr.Dr.Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 17-09-2021 Heard learned counsel for the petitioner and learned A.P.P.
for the State through virtual court proceedings.

Learned counsel for the petitioner undertakes to remove the defects, as pointed out by the office, within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Madhuban P.S. Case No.378 of 2020, registered for the offence punishable under Sections 272, 273 and 420/34 of the IPC and sections 30(a), 41 and 44 of the Bihar Prohibition and Excise Act, 2016.

The allegation is that one Binod Kumar with his brother Santosh Kumar were unloading foreign liquor and keeping the



same in his house. From their house, a Bolero vehicle, in which 10 cartoon foreign wine each cartoon containing 180 ml was recovered and seized. From the possession of the petitioner one mobile phone was recovered.

Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence as alleged in the FIR. No such occurrence has ever taken place. He has no concern either with the seized liquor or any trade of liquor. Petitioner is brother of co-accused Binod Kumar Kushwaha, due to this fact he was arrested by police because he resides in the joint house of their parents, except this nothing is against the petitioner. As per FIR and seizure list only mobile set was recovered from the petitioner. Petitioner made accused on the basis of confessional statement of Dharmendra Kumar. The said vehicle was laying by the side of road. Petitioner has no criminal antecedent, as mentioned in para-3 of the bail application and has been languishing in custody since 17.12.2020.

Petitioner is agreed to deposit a sum of Rs. 5,000.00/- (Rupees Five Thousand) in the Chief Minister's Relief Fund, Bihar, bearing Account No.2065104000002257, IFSC IBKL0002065, IDBI Bank, Kidwaipuri Branch, Patna.

Having regard to the facts and circumstances of case, let



the above named petitioner, be released on bail, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Under Excise Act, East Champaran, Motihari, in connection with Madhuban P.S. Case No.378 of 2020, with the following conditions:-

(1) That one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to how he is related with the petitioners. He will also undertake to inform the Court if there is any change in the address of the petitioners.

(2) The bailor shall also state on affidavit that he will inform the Court concerned if the petitioners are implicated in any other case of similar nature after their release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of Rs.5,000.00/- (Rupees Five Thousand) in the Chief Minister's Relief Fund, Bihar.

(Anjani Kumar Sharan, J)

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