

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37260 of 2020

Arising Out of PS. Case No.-214 Year-2019 Thana- MANIYARI District- Muzaffarpur

Santosh Kumar @ Santosh Rai S/o Kishore Rai R/o Village-Kulesara, P.S.-
Sakra, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Adv.
For the State : Mr. Anand Mohan Prasad Mehta, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 02-02-2021 Heard learned counsel for the petitioner and the learned
APP for the State.

Learned counsel for the petitioner is expected to honor his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon.

The petitioner seeks bail in Maniyari PS Case No 214 of 2019 instituted for the offence under Section(s) 420,467,468 and 471 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016 .

It is submitted by the petitioner's counsel that the date on which the petitioner was taken in custody has been mentioned as 06.07.2020 in the order rejecting the petitioner's bail by the Court of Special Judge Excise, Muzaffarpur is an error of record. The actual date, on which, the petitioner has been taken in custody is 22.08.2020. The FIR alleges recovery of 3927.600 liters of foreign liquor from a Tata Mini truck. The petitioner was neither arrested from the spot nor any incriminating



material has been recovered from his property. His implication is only on account of the fact that one case bearing Maniyari PS Case No 163 of 2019, for the similar offence, is pending against the petitioner.

The learned APP for the State opposed the prayer for bail.

Considering the aforesaid, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge (Excise) Muzaffarpur, in connection with Maniyari PS Case No 214 of 2019, subject to the following conditions:-

(i) 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 petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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