

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.248 of 2021

Arising Out of PS. Case No.-526 Year-2020 Thana- DANAPUR District- Patna

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Santosh Kumar Son of Late Ram Nandan Sao @ Ram Chandra Sao R/o-
Back of Sultanpur Math, Tenant of Santosh Rai, P.S.- Danapur, District-
Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Ghanshyam Tiwary, Advocate

For the Opposite Party/s : Mr.Md. Fahimuddin, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 02-03-2021 Learned counsel for the petitioner undertakes to remove

all the defects as pointed out by office within four weeks after start of

normal functioning of the Court.

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

for the State.

Petitioner, in the present case, is seeking regular bail in

connection with Special Case No. 5403/2020 (Arising out of

Danapur P.S. Case No. 526/2020) registered for the offences

punishable under Section 30(a) of Bihar Prohibition and Excise Act,

2018.

As per the prosecution story, while the informant was on

patrolling duty, he got an information that one person selling illegal

wine at the back of Sultanpur Math, Trimurti Nagar in the Garage of

one Santosh Rai, thereafter the informant along with police party

reached at the said place and on seeing the police party one person



tried to flee away but he was arrested and 11 plastic bag containing 500 bottles of foreign wine each bottle containing 375 ml and 50 bottles of 375 ml total 206.25 liters of foreign wine were recovered from the garage.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case by the police only on suspicion. Learned counsel submits that petitioner has no concern with the alleged illegal wine, petitioner has no criminal antecedent and he is in custody since 16.09.2020.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Considering the facts and circumstances of the case wherein the petitioner has no criminal antecedent, the recovery is not said to have been made from the garage of one Santosh Rai, however, the petitioner has been arrested while he was trying to flee-away on seeing the police party, he has remained in jail since 16.09.2020, investigation against him is complete and it is not the submission of the State that the release of the petitioner is any way likely to interfere with the course of trial, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Patna, in connection with Special Case No. 5403/2020 arising out of Danapur P.S. Case no. 526/2020, subject to the condition as laid



down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

