

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9207 of 2021

Arising Out of PS. Case No.-104 Year-2020 Thana- FESHAR District- Aurangabad

Santosh Kumar Son Of Rajendra Mahto Resident Of Village- Chandauli, P.S-
Madanpur, Distt- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bachan Jee Ojha
For the Opposite Party/s : Mr. Dilip Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 24-06-2021 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 Phesar P.S. Case No.104 of 2020 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

Acting on a tip of secret information two persons namely Santosh Kumar and Jagdhari Sao were arrested with 143 liters of country made liquor and the seizer list was prepared.

It is submitted by learned counsel for the petitioner that no



incriminating article has been recovered from the conscious physical possession of the petitioner. He has no concern either with the seized liquor or any trade of liquor. He submits that there is no recovery from the conscious possession of the petitioner rather the said country made liquor has been recovered from the Tempo. He further submits that the Tempo does not belongs to the petitioner and the petitioner is the passenger of the said Tempo. Petitioner has no criminal antecedent as has been mentioned in para-3 of the present petition and has been languishing in custody since 19.10.2020.

Petitioner is agreed to deposit a sum of Rs. 10,000.00 (Rupees Ten Thousand) in the PM Cares fund, bearing Account No.2121PM20202, IFSC Code: SBIN 0000691, SWIFT Code: SBININBB104, State Bank of India, New Delhi Main Branch, UPI ID : pmcares@sbi.

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 court below where the case is pending in connection with Phesar P.S. Case No. 104 of 2020 subject to condition that petitioner shall not indulge himself in any similar offence till conclusion of the trial, failing which, his bail bonds shall be liable to be cancelled by



learned court concerned.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of Rs.10,000.00 (Rupees Ten Thousand) in the PM Cares fund.

(Anjani Kumar Sharan, J)

GAURAV S./-

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