

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10959 of 2021**

Arising Out of PS. Case No.-586 Year-2020 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Santosh Kumar, S/O Narayan Ray alias Narayan Singh, R/o Bharadwaj Nagar
- Bari Eghu, P.S. - Begusarai Muffasil, Dist. - Begusarai.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shubhesh Pandey, Advocate
For the Opposite Party/s : Mr.Ganesh Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 06-07-2021 The matter has been taken up today for consideration
through video conferencing.

The learned counsels are appearing and making
submissions from their residence. The Court Master and
Secretary are also part of this virtual Court proceedings from
their homes, all with the aid of audio visual technology.

Heard learned Counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with
Begusarai Muffasil P.S. Case No.586 of 2020 registered for the
offence punishable under Section 120B of the Indian Penal
Code and Sections 30(a) and 41(i) of the Bihar Prohibition and
Excise Act, 2018.



1301.625 litres illicit liquor has been recovered from 6-7 vehicles.

The allegation is that those who were dealing with the liquor since before have requisitioned this consignment. When the police reached the place from where recovery has been made, several accused persons have fled away. Subsequently, the petitioner's name has surfaced as being one who was fleeing away.

Petitioner's counsel submit that the petitioner was not present at the time and place of recovery. There is no recovery from his possession. He has clean antecedents and there is no basis for the petitioner's identification by the prosecution. The other co-accused similarly situated, namely, Gato Singh and Dhiyani Yadav have been allowed bail in Cr.Misc. No.9366 of 2021 and Cr.Misc. No.14904 of 2021 respectively. The petitioner has been in custody now since 29.11.2020.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, 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 Additional Sessions Judge-II-cum-Special Judge, Excise Act, Begusarai, in connection with Begusarai Muffasil P.S. Case No.586 of 2020, 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.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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