

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12745 of 2022

Arising Out of PS. Case No.-108 Year-2021 Thana- RAJAPAKAR District- Vaishali

Santosh Kumar @ Santosh Kumar Rai Son of Ram Pukar Rai Resident of
Village- Bakhari Barai, P.S.- Raja Pakar, Dist.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate

For the Opposite Party/s : Mr. Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 24-06-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Rajapakar
P.S. Case No. 108 of 2021 registered for the offence under
Sections 30(a), 32, 34, 38 and 41(i) of Bihar Prohibition and
Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 27.11.2021.

The allegation against the petitioner is to involve in
illegal business of illicit IMFL where there is recovery of 477
liters of IMFL from the house of co-accused, namely, Raushan
Kumar.

Learned counsel appearing on behalf of the petitioner



submitted that the name of the petitioner surfaced on the basis of confessional statement made by co-accused, namely, Raushan Kumar. It has further been submitted that the recovery has not been made from the conscious physical possession of the petitioner rather the same has been made from the house of co-accused, namely, Raushan Kumar. While concluding the argument, it has further been submitted that petitioner is a man of clean antecedent, moreover, chargesheet has already been submitted in this case, as such there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State while opposing the prayer of bail fairly conceded that the recovery has not been made from the conscious physical possession of the petitioner

Considering the facts and circumstances as mentioned above, as the name of the petitioner, who has clean antecedent, surfaced on the basis of confessional statement made by co-accused coupled with the fact that the recovery has not been made from the conscious physical possession of the petitioner, let the petitioner, above named, is directed to be released on bail in connection with Rajapakar P.S. Case No. 108 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with



two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Court, Vaishali at Hajipur, subject to the following conditions:

“(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be Mantosh Kumar, who is the brother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-

U		T	
---	--	---	--

