

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13779 of 2022

Arising Out of PS. Case No.-127 Year-2021 Thana- KASMA District- Aurangabad

SANTOSH KUMAR S/o Ganauri Yadav R/o Village- Vatkurha, P.S.- Kasma,
District- Aurangabad.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Sinha

For the Opposite Party/s : Mr.Bishweshwar Ram

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 14-06-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner seeks regular bail in connection with
Kasma P.S. Case No. 127 of 2021, for the offence punishable
under Section 30(a)/34 of the Bihar Prohibition and Excise
(Amendment) Act, 2018.

The allegation is recovery of 35 litres of country made
Mahua liquor from the motorcycle bearing registration No. BR-
26J-8531.

Learned counsel appearing on behalf of the petitioner
submits that the petitioner is not the owner of the alleged
motorcycle rather the said motorcycle belongs to co-accused
Md. Sarfaraz. The petitioner was apprehended while he was



found near the place of occurrence while the Police raided and recovered the illicit liquor from the motorcycle. Nothing has been recovered from the possession of the petitioner. The petitioner has clean antecedent and he is in custody since 05.12.2021.

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

Considering the aforementioned facts and circumstances of the case, the petitioner has made specific statement in paragraph No. 12 of the bail application that Md. Sarfaraz is the owner of alleged motorcycle, who has already been released on bail by the court below vide order dated 02.02.2022. The petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 25000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise 1st, Aurangabad in connection with Kasma P.S. Case No. 127 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(5) The court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in paragraph No.3 of the bail application, this order will automatically loose its force.

(Purnendu Singh, J)

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