

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14033 of 2022

Arising Out of PS. Case No.-268 Year-2021 Thana- EKANGARSARAI District- Nalanda

SANTOSH KUMAR SON OF SRI DHARMENDRA KUMAR SINHA
RESIDENT OF VILLAGE- KANKU BIGHA, POST OFFICE- EKSARA,
POLICE STATION- BEN, DISTRICT- NALANDA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chetanand Paswan

For the Opposite Party/s : Mrs.Pronoti Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-07-2022 Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned A.P.P. for the State in virtual court proceeding.

The petitioner seeks bail in connection with Special Case No. 1436 of 2021 arising out of Ekangarsarai P.S. Case No. 268 of 2021 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

As per prosecution case, there is alleged recovery of 713.685 litre illicit foreign liquor from the pickup van in question. It is alleged that petitioner fled away seeing the police team.

Learned counsel for the petitioner submits that



petitioner is in custody since 30.01.2022 and bears criminal antecedent of three cases in which two cases are of similar nature. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that petitioner is neither owner nor driver of the vehicle in question. Petitioner is not apprehended on the spot.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, petitioner is not apprehended on the spot and also taking into consideration the material available on record, let the petitioner above named be released on bail, **after framing of charge** 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-V cum Special Judge, Excise, Nalanda, Bihar Sharif in connection with Special Case No. 1436 of 2021 arising out of Ekangarsarai P.S. Case No. 268 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn



the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

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

(Alok Kumar Pandey, J)

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