

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.16058 of 2022**

Arising Out of PS. Case No.-259 Year-2021 Thana- NARDIGANJ District- Nawada

Santosh Kumar @ Netajee Son Of Late Ramjee Yadav R/O Village- Kesoriya,  
P.S.- Nardiganj, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Krishna Deo Raj, Advocate

For the Opposite Party/s : Mr. Nityanand, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL ORDER**

2      11-07-2022                      Heard learned counsel appearing on behalf of the  
petitioner and learned APP for the State.

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

Petitioner, who is in custody since 03.02.2022, seeks  
regular bail in connection with Nardiganj P.S. Case No. 259 of  
2021 registered for offences punishable under Sections 30(a),  
(d),41 Bihar Prohibition and Excise Act as amended up-to-date.

As per the prosecution story, a raid was conducted  
after receiving secret information by the S.H.O., Nardiganj near  
East Panchane river where accused persons were involved in  
manufacturing and distribution of mahua liquor. Fermented  
materials required for manufacturing of country-made liquors  
along with mahua were recovered. Two litres of mahua liquor



was also recovered from the place of occurrence.

Learned counsel appearing on behalf of the petitioner submits that petitioner is innocent and has falsely been implicated in the present case. Nothing has been recovered from the possession of the petitioner. Petitioner has no concern with the alleged place of recovery nor he is involved in manufacturing of country-made liquor or its trade. Petitioner has clean antecedent and he is in custody since 03.02.2022.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner. He submits that the trade of illicit liquor is rampant in the State of Bihar. In spite of complete prohibition in the State, due to consumption of illicit liquor, people at large are dying everyday and they are suffering from various physical disorder, as such it would not be in public interest to release the petitioner on bail.

Considering the fact that nothing has been recovered from the conscious possession of the petitioner nor the alleged place of recovery belongs to the petitioner. Petitioner has remained in custody since 03.02.2022 on mere suspicion and the trial is not likely to be concluded in near future, the petitioner, above named, is directed to be enlarged on bail upon furnishing bail bond of Rs. 50,000/- (Rupees Fifty Thousand) with two



sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge cum Special Judge-II Excise, Nawada in connection with Nardiganj P.S. Case No. 259 of 2021 subject to the following conditions:

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

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) 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.

(iv) 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 bond.

**(Purnendu Singh, J)**

Niraj/-

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