

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20151 of 2022

Arising Out of PS. Case No.-524 Year-2021 Thana- BHORE District- Gopalganj

SANTOSH KUSHWAHA S/O SURESH BHAGAT R/o village- Sansarpur,
P.S.- Bhorey, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhramveer

For the Opposite Party/s : Mr.Surendra Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 07-06-2022 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.

The petitioner seeks regular bail in connection with
Bhorey P.S. Case No. 524 of 2021 registered for the offences
punishable under Section 414 of the Indian Penal Code and
Section 30(a) of the Bihar Prohibition and Excise Amendment
Act, 2018.

Learned counsel for the petitioner submits that in the
instant case, petitioner has been arrested merely on the basis of
statement of one Niraj Kumar, who was apprehended while he
was travelling on his motorcycle with 75.800 litres illicit liquor.
The said Niraj Kumar has stated that he was carrying the same



for delivering it to co-accused Parma Bhagat and the petitioner.

Learned counsel for the petitioner further submits that petitioner bears no criminal antecedent and his name has been unnecessarily dragged in this case by the police through the arrested person. There is no recovery of any illicit liquor from the petitioner's possession. He further submits that petitioner is in custody since 19.01.2022. It is also submitted that investigation is complete. He further submits that co-accused Parma Bhagat having similar allegation has been granted bail by the co-ordinate Bench of this court vide Cr. Misc. No. 21005 of 2022. Another co-accused Niraj Kumar against whom recovery has been made has also been granted bail by the co-ordinate Bench of this court vide Cr. Misc. No. 1011 of 2022.

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

Considering the facts and circumstances of the case as well as period of custody and also this fact that there is no recovery from the petitioner even as per prosecution case, let the petitioner above named be released on bail 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 Excise Court No. 1, Gopalganj in



connection with Bhorey P.S. Case No. 524 of 2021, subject to 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.

(Alok Kumar Pandey, J)

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