

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21566 of 2022

Arising Out of PS. Case No.-98 Year-2022 Thana- SITAMARHI District- Sitamarhi

SANTOSH PRASAD S/o Lakshmi Prasad @ Laxmi Prasad R/o village- Mela
Road Tola Ward No. 21, P.S.- Sitamarhi, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Virendra Kumar

For the Opposite Party/s : Mr.Arun Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-07-2022 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
Sitamarhi P.S. Case No. 98 of 2022 registered for the offences
punishable under Section 30(a) of Bihar Prohibition and Excise
Act, 2016.

As per prosecution case, there is alleged recovery
of 31.5 litres Nepali liquor from the house of the petitioner. On
getting secret information, the informant along with other police
officials reached the house of the petitioner and after seeing
police personnel the petitioner tried to hide himself but was
apprehended and on interrogation he disclosed his name as



Santosh Prasad(petitioner).

Learned counsel for the petitioner submits that petitioner is in custody since 10.02.2022 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that nothing has been recovered from the conscious possession of the petitioner and he has been falsely implicated in this case.

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, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail to the satisfaction of learned Exclusive Special Judge Excise Court-II , Sitamarhi in connection with Sitamarhi P.S. Case No. 98 of 2022, 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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