

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22084 of 2022

Arising Out of PS. Case No.-148 Year-2017 Thana- KHAIRA District- Jamui

SANTOSH SAW @ SANTOSH SAH Son of Jai Prakash Saw Resident of
Village - Bodhwan Talab, P.S.- Jamui, Distt.- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Man Mohan Kumar

For the Opposite Party/s : Mr.Pushpa Sinha

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 05-08-2022 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceeding.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Khaira P.S. Case No. 148 of 2017 registered for the alleged offences under Sections 272/273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, police received secret information about illicit trade of liquor by co-accused Santu Yadav and further received information that this co-accused along with co-accused Mantu Yadav had brought large quantity



of illicit liquor and was unloading the same near his house. A raid was conducted and the co-accused persons fled away from there and from a parked vehicle, total 2200 liters of country made liquor was recovered. The name of the petitioner surfaced during investigation as one of the accused person who was involved in the illicit trade along with co-accused persons.

Learned counsel for the petitioner submits that the petitioner was not apprehended from the spot and nothing incriminating has been recovered from his person or possession. His name transpired in this case merely on the basis of confessional statement of co-accused Santu Yadav for being an associate of the co-accused. Except the confessional statement, there is no material against this petitioner. Considering the fact other similarly situated co-accused persons have been granted anticipatory bail by different Coordinate Benches in a series of orders. Co-accused persons Shashi Saw, Binod Mandal and Md. Mobarak, Kedar Yadav and Nandu Yadav have been granted bail vide order dated 23.07.2018, 16.07.2018, 01.08.2018 and 26.04.2018 passed in Cr. Misc. Nos. 43844/2018, 41255/2018, 46413/2018, 9813/2019. Learned counsel further submits that charge sheet has been submitted in this case and the petitioner is in custody since 24.02.2022.



Learned APP for the State opposes the prayer for bail of the petitioner.

Having regard to the submission made hereinabove and considering the fact that the name of the petitioner came up during investigation in the confessional statement and nothing incriminating has been recovered from his possession and further considering the submission of charge sheet and period of custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge II-cum- Special Court Excise-1, Jamui in connection with Khaira P.S. Case No. 148 of 2017, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the



court below.

(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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