

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.21718 of 2022**

Arising Out of PS. Case No.-429 Year-2018 Thana- MAHUA District- Vaishali

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Santosh Kumar Singh @ Santosh Singh S/O Jai Mangal Singh R/O Village-  
Dayalpur, P.S.- Mahua, District- Vaishali, Bihar

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Prakash Chandra

For the Opposite Party/s : Mrs. Shaheen Begum

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**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

2      26-07-2022                      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.

The petitioner seeks bail in connection with Mahua  
P.S. Case No. 429 of 2018 registered for the offences punishable  
under Sections 414/34 of the Indian Penal Code and Sections  
30(a), 38 of the Bihar Excise Act, 2018.

As per prosecution case, there is alleged recovery  
of 857.600 litre foreign liquor from the house of the petitioner  
and 36 liter foreign liquor from car in question. Petitioner was  
not apprehended on the spot.

Learned counsel for the petitioner submits that  
petitioner is in custody since 20.02.2022 and bears clean



antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel for the petitioner further submits that petitioner was not apprehended on the spot and nothing has been recovered from the conscious possession of the petitioner. It has been further submitted that said house is a broken house and is easily accessible to all and petitioner has no concern with the seized car in question.

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 that petitioner was not apprehended on the spot and the material available on record, 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 District and Sessions Judge cum Special Judge Excise-2<sup>nd</sup> Vaishali at Hajipur in connection with Mahua P.S. Case No. 429 of 2018, 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 bail.

**(Alok Kumar Pandey, J)**

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