

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22514 of 2022

Arising Out of PS. Case No.-563 Year-2021 Thana- KUCHAIKOTE District- Gopalganj

SANTOSH KUMAR Son of Baliram Roy @ Balram Roy Resident of Village
- Ghausnagar, P.s.- Runnisaidpur, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar @ S.K.

For the Opposite Party/s : Mr.Indu Kumari Srivastava

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 Kuchaikote P.S. Case No. 563 of 2021 registered for the alleged offences under Sections 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

As per prosecution case, the petitioner was apprehended when he tried to flee away on his motorcycle after seeing the police. From the motorcycle, from a gunny bag and a milk container, which was being carried by the petitioner, total 58.140 liters of illicit liquor was recovered.



Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case merely on the basis of suspicion. He was merely a passerby and never got himself engaged in the illegal trade of liquor. The motorcycle, from which recovery had allegedly been made, does not belong to this petitioner. So the petitioner has neither any concern with the seized liquor nor with the seized motorcycle. Charge sheet has been submitted in this case and the petitioner is in custody since 31.12.2021. The petitioner has got no criminal history.

Learned APP opposes the prayer for bail of the petitioner.

Having regard to the submission made hereinabove and considering the fact of clean antecedent of the petitioner and submission of charge sheet as well as 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 & Sessions Judge-IV-cum-Special Judge Excise Court-II, Gopalganj in connection with Kuchaikote P.S. Case No. 563 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:



(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) 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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