

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26866 of 2022

Arising Out of PS. Case No.-81 Year-2022 Thana- FATEHPUR District- Gaya

Santosh Kumar, S/o Nandlal Prasad @ Nandlal Prasad Yadav, R/o village-
Tegaini, P.S.- Fatehpur, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha, Advocate
For the Opposite Party/s : Mrs. Pushpa Sinha.1, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 03-08-2022 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Ajay Kumar Sinha, learned counsel
appearing on behalf of the petitioner and the learned APP for the
State.

The petitioner seeks regular bail, who is in custody in
connection with Fatehpur P.S. Case No. 81 of 2022 registered
for the offence punishable under Section 30(a) of the Bihar
Prohibition and Excise (Amendment) Act, 2018.

As per prosecution case, it is alleged that the police in
a vehicle checking, apprehended this petitioner, who was riding
on motorcycle. On search being made altogether 125 litres of
country made Mahua liquor was recovered.

It is submitted by the learned counsel for the



petitioner that in fact nothing has been recovered from the possession of this petitioner, but only because of the fact that some altercation took place between the petitioner and the police, the recovery has been shown to be made from the motorcycle of the petitioner, which appears to be suspicious. It is next submitted that the petitioner has no concern with the alleged recovered Mahua liquor nor with the motorcycle. It is lastly submitted that the petitioner is in custody since 23.02.2022 having fair antecedent and moreover the investigation of the crime is completed and charge-sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application and submits that the recovery has been made from the possession of the petitioner.

Having regard to the submissions made on behalf of the parties and considering the fact that the petitioner is in custody since 23.02.2022 having fair antecedent, though the investigation of the crime is completed and charge-sheet has been submitted and there is no likelihood of commencement of trial in near future, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the



satisfaction of learned Exclusive Excise Court-I, Gaya in connection with Fatehpur P.S. Case No. 81 of 2022 subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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