

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26015 of 2022**

Arising Out of PS. Case No.-80 Year-2022 Thana- MAIRWAN District- Siwan

SANTOSH KUMAR S/o Bechan Prasad Resident of Village- Rarhi, P.S.-
Jale, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sachida Nand Rai
For the Opposite Party/s : Mr.Anil Prasad Singh

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

2 03-08-2022 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
Mairwa P.S. Case No. 80 of 2022 registered for the offences
punishable under Sections 30(a), 38(i), 41(i) of the Bihar
Prohibition and Excise Act.

As per prosecution case, there is alleged recovery
of 465 litres of Force Cruiser car in question. The petitioner is
alleged to be the driver of said car and he is apprehended on
spot.

Learned counsel for the petitioner submits that
petitioner is in custody since 05.03.2022. Petitioner bears no



criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner is the driver of the seized vehicle and he had no knowledge about the illicit liquor kept in the vehicle. Petitioner has no concern with the seized liquor.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, keeping in view clean antecedent of the petitioner and also taking into consideration 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 Exclusive Special Excise Court No. 01, Siwan in connection with Mairwa P.S. Case No. 80 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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