

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28708 of 2022

Arising Out of PS. Case No.-39 Year-2022 Thana- BHAIKAVSHTHAN District- Madhubani

Santosh Kumar Singh S/o Lalbabu Singh Resident of Village- Kako, P.S.-
Bhairabasthan, Dist- Madhubani.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha, Adv.

For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 11-11-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual mode.

The petitioner seeks regular bail in connection with
Bhairavasthan P.S. Case No. 39 of 2022 (G.R. No. 89 of 2022)
lodged under Sections 272, 273 of the I.P.C. read with Section
30(a) of Bihar Prohibition and Excise (Amendment) Act, 2018.

As per the prosecution case, total recovery of 85.905
litres that is about 86 litres of liquor is made in this case.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. Counsel
further submits that the said recovery has not been made from
his conscious possession rather it was made in the open place

with *khalihan* where straw were kept. Counsel for the petitioner further submits that he is in custody since 21.02.2022 and there are 3 criminal cases pending against him in which he is on bail and all the 3 cases are other than the excise matter.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Session Judge cum Special Judge, Excise Act, Jhanjharpur, Dist:- Madhubani in connection with Bhairavasthan P.S. Case No. 39 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the

petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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