

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.37872 of 2021**

Arising Out of PS. Case No.-17 Year-2021 Thana- GAIGHAT District- Muzaffarpur

Santosh Paswan @ Santosh Kumra Bharti, Son of Vanai Paswan Resident of  
Village - Shubhai, P.S. - Vaishali, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Uday Prakash Shrarma, Advocate

For the Opposite Party/s : Mr. Bishwarhwar Ram, APP

**CORAM: HONOURABLE MR. JUSTICE A. M. BADAR**  
**ORAL ORDER**

5      08-04-2022                      The applicant/accused in Crime No. 17 of 2021 registered with Gaighat Police Station for the offences punishable under Sections 272, 273, 420, 467, 468 and 471 r/w 34 of the Indian Penal Code as well as Sections 30(a), 41(i) and 36 of the Bihar Prohibition and Excise Act, by this application is seeking his release on bail after filing of the charge sheet.

Heard the learned counsel appearing for the applicant/accused. He argued that nothing was seized from possession of the applicant and his name has surfaced from the interrogation of the co-accused.

The learned Additional Public Prosecutor opposed the application by contending that illicit liquor in huge quantity came to be seized from the truck owned by the bother of the applicant and the applicant is the kingpin of the racket of import of the illicit liquor in the State.

I have considered the submissions so advanced and also



perused the materials placed before me.

Police seized a truck which was found containing illicit liquor of 1149 liters quantity in the secret chambers made thereat. The applicant is not the owner of the truck. Two person were arrested from that truck. They disclosed to police that the applicant is the kingpin of the racket of importing the illicit liquor in the prohibited State.

The applicant is being bars from one year. Nothing was seized form him and he is not the owner of the truck from which liquor in huge quantity came to be seized. No material is shown to infer complicity of the applicant in conspiracy or racket of import of illicit liquor. The applicant is having two criminal antecedents and therefore the stringent condition deserves to be applied. Hence, the order :-

i. The application is allowed.

ii. The applicant/accused in Crime No. 17 of 2021 registered with Gaighat Police Station be released on bail on executing P.R. bond of Rs.25,000/- (Rupees Twenty Five Thousand) on furnishing two sureties of the like amount to the satisfaction of the trial court with the following conditions: -

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.



(II) The applicant/accused should cooperate the trial court in expeditious disposal of the trial against him.

(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

(V) The applicant should attend the jurisdictional police station on every first Sunday of the month in between 11 A.M. to 1 A.M.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the appellant/accused.

Bhardwaj/-

**(A. M. Badar, J)**

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