

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45408 of 2022

Arising Out of PS. Case No.-1 Year-2022 Thana- ROSERA District- Samastipur

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SANTOSH KUMAR @ SANTOSH YADAV SON OF SATYANARAYAN
YADAV R/O VILLAGE- MAHULI, WARD NO.-2, P.S.- ROSERA,
DISTRICT- SAMASTIPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ram Sumiran Rai

For the Opposite Party/s : Mr.Veena Kumari Jaiswal

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 02-09-2022 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 Rosera
P.S. Case No. 01 of 2022, Excise G.R. No. 13 of 2022 registered
for the offences punishable under Sections 272, 273/34 of the
I.P.C. read with Section 30(a) of the Bihar Prohibition and
Excise Amendment Act, 2018.

As per prosecution case, there is alleged recovery
of 184.680 litres foreign liquor from the bamboo made hut of
poultry farm in question. It is further alleged that petitioner and
others are involved in business of illicit liquor.



Learned counsel for the petitioner submits that petitioner is in custody since 07.03.2022. Petitioner bears one criminal antecedent which is not of similar nature. 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 has been recovered from the conscious possession of the petitioner. Recovery has been made from joint ownership of poultry farm. There is no compliance of Section 100 of Cr.P.C. Petitioner is not apprehended on spot. The name of person who gave secret information is not mentioned in the F.I.R.

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, petitioner is not apprehended on spot, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence 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 Special Judge, Excise Court No. 01, Samastipur in connection with



Rosera P.S. Case No. 01 of 2022, Excise G.R. No. 13 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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