

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60443 of 2021

Arising Out of PS. Case No.-272 Year-2021 Thana- DAUDNAGAR District- Aurangabad

SATISH KUMAR S/o RAMLAKHAN SINGH R/o VILLAGE-SONBARSA
NUAON @ NOWAN SONBARSHA, P.S-OBRA, DISTRICT-
AURANGABAD.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Chandra Gandhi

For the Opposite Party/s : Mr. Raj Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 13-01-2022

Heard.

The petitioner seeks regular bail in connection with Daudnagar P.S. Case No. 272 of 2021, registered for the offence punishable under sections 420, 467, 468, 471, 120(B) of the Indian Penal Code and Sections 30(a), 34, 36, 41(1) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of huge quantity of illicit liquor from a truck. The driver of the truck was arrested and upon interrogation, he is stated to have disclosed the name of his accomplices i.e. the petitioner and one other co-accused person.

The learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in the present case. The learned



counsel for the petitioner has submitted that the petitioner has been remanded in the present case from another case on 5.7.2021. The learned counsel for the petitioner has further submitted that though the petitioner is accused in 11 cases, but he is on bail in most of the cases nonetheless the petitioner is willing to abide by such conditions as may be deemed fit and proper to be imposed by this Court.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the parties and taking into account the materials available on record as also considering the fact that neither the truck in question belongs to the petitioner, as has been stated in paragraph no. 13 of the present petition nor the illicit liquor has been recovered either from the conscious possession of the petitioner or from his house, though, I deem it fit and proper to admit the petitioner to the privilege of regular bail however, with an additional condition to the effect that in case the petitioner is made accused in similar type of case under the provisions of the Bihar Prohibition and Excise Act, 2016 henceforth, the privilege of bail being



granted to the petitioner shall stand cancelled automatically and the petitioner shall be taken into custody forthwith.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Additional Distt. And Sessions Judge, II- cum- Special Judge, Excise, Aurangabad in connection with Daudnagar P.S. Case No. 272 of 2021, subject to the aforesaid additional condition.

(Mohit Kumar Shah, J)

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