

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.62169 of 2021**

Arising Out of PS. Case No.-523 Year-2021 Thana- SITAMARHI District- Sitamarhi

Santosh Kumar @ Santosh Kaiset Wala @ Santosh Singh S/O Jamun Sah R/O  
Village-Riga Road, P.S.- Sitamarhi, District-Sitamarhi.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Pushpendra Kumar Singh, Advocate  
For the Opposite Party/s : Mr.Surendra Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH  
ORAL ORDER**

2      31-03-2022                      Heard the learned counsel for the petitioner and the  
learned APP for the State.

The petitioner seeks regular bail in connection with  
Sitamarhi PS case no. 523 of 2021 instituted for the offences  
punishable under Sections 414, 120(B) IPC and Sections 30(a), 36,  
41(1) of Bihar Prohibition and Excise Act, 2016.

The allegation is regarding the police having  
received secret information that the accused persons including the  
petitioner herein had brought huge quantity of illicit liquor in an  
ambulance and the same was being unloaded at the house of the  
co-accused person namely Raju Sah, whereafter police force had  
conducted a raid and seized the ambulance as also had seized about  
647.535 liters of illicit liquor.

The learned counsel for the petitioner has



submitted that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and is languishing in custody since 12.07.2021. The learned counsel for the petitioner has further submitted that neither the ambulance in question belongs to the petitioner nor the house in question belongs to the petitioner nor any illicit liquor has been recovered from the conscious possession of the petitioner. It is also submitted that the petitioner has not been arrested from the spot and merely on suspicion, the petitioner has been implicated in the present case.

*Per contra*, the learned A.P.P. 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 learned counsel for the parties and taking into account the materials available on record as also considering the fact that neither the petitioner has been arrested from the spot nor the ambulance in question belongs to the petitioner nor the house in question belongs to the petitioner nor any illicit liquor has been recovered from the conscious possession of the petitioner, I deem it fit and proper to admit the petitioner to the privilege of bail.

Accordingly, the abovenamed petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the



satisfaction of learned court of A.D.J. II-cum-Special Judge, Excise  
Act, Sitamarhi in connection with Sitamarhi PS case no. 523 of  
2021.

**(Mohit Kumar Shah, J)**

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