

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.55646 of 2022**

Arising Out of PS. Case No.-109 Year-2021 Thana- MAGADH MEDICAL COLLEGE  
District- Gaya

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Santu Yadav @ Santu Kumar Son of Awadh Kishor Yadav @ Morepiya,  
Resident of Village - Azad Bigha, Naili Road, P.s.- Magadh Medical College  
and Hospital, Dist.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Manish Kumar No2, Adv.

For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL ORDER**

2      02-12-2022                      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  
Magadh Medical P.S. Case No. 109 of 2021 lodged under  
Section 30(a)/37(2) of the Bihar Prohibition and Excise Act,  
2016.

As per the prosecution case, total recovery of 330 liter  
of wine and 150 liter of *java mahua* has been made, which is  
subject matter of the present case.

Learned counsel for the petitioner submits that  
petitioner is innocent and has committed no offence. He submits

that nothing was recovered from petitioner's possession nor he was apprehended from the place of occurrence. Learned counsel for the petitioner submits that one arrested person disclosed name of 8 persons and only his confessional statement, the petitioner's name has been figured in this case. He further submits that petitioner is in custody since 13.06.2022 having 3 criminal cases pending against him, in which he is on bail in all the cases. Charge-sheet has already been filed in this case.

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 Exclusive Special Excise, Court-1, Gaya in connection with Magadh Medical P.S. Case No. 109 of 2021, 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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