

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 67731 of 2021**

Arising Out of PS. Case No.-81 Year-2021 Thana- BANGARA District- Samastipur

SANTOSH KUMAR SINGH S/O NATHUNI SINGH R/o village- Goriyari,
P.S.- Tajpur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Jay Ram Prasad, Advocate

For the Opposite Party/s : Mr Pradeep Narain Kumar, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 02-06-2022 Heard learned counsel for the petitioner and learned Additional Public Prosecutor (for brevity, *APP*) appearing for the State of Bihar.

The petitioner seeks bail in Excise GR Case No 721 of 2021 arising out of N H Bangara Police Station (for brevity, *PS*) Case No 81 of 2021 registered for the offence punishable under Sections 272, 273, 414/34 of Indian Penal Code and Section 30 (a) of Bihar Prohibition and Excise Act, 2016.

There is alleged recovery of 3041.280 liters English wine which, as per allegation, was being unloaded from a heavy vehicle to 3 other light motor vehicles. Petitioner is owner of one of the light vehicles and it is alleged that from his vehicle, there is recovery of 34.560 liters English wine.



It is submitted by the petitioner's counsel that the petitioner's vehicle was parked near the place of recovery and in such circumstance, he has been falsely implicated. He denies and disputes the recovery. He is in custody since 30.07.2021.

The learned APP has opposed the prayer for bail.

Considering the rival submissions, period of custody viewed with the clean antecedent in background, as also small amount recovered from the petitioner's vehicle, this Court, for the purposes of grant of bail, is, thus, inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Special Judge, Excise, Samastipur in Excise GR Case No 721 of 2021 arising out of N H Bangara PS Case No 81 of 2021 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on



each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

U		T	
---	--	---	--

