

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68433 of 2021

Arising Out of PS. Case No.-236 Year-2021 Thana- KHAJEKALA District- Patna

SANTOSH KUMAR Son of Binda Ram Resident of Village - Kila Road
Kachighat, P.S.- Chowk, Distt.- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar

For the Opposite Party/s : Mr.Pramod Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 07-06-2022 Heard.

The petitioner seeks regular bail in connection with Special Case No. 4951 of 2021 arising out of Khajekalan P.S. Case No. 236 of 2021 of 2021, registered for the offence punishable under sections 414 of the Indian Penal Code and section 30(a) of the Bihar Prohibition and Excise Act, 2018.

The allegation is regarding recovery of 360 liters of illicit country made liquor from a tempo and the petitioner is stated to have been arrested from the spot.

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 12.08.2021. The learned counsel for the petitioner has further submitted that the fact is that the petitioner is neither the owner nor the driver of the tempo in question, hence, he is having complicity in the matter.

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 period of incarceration of the petitioner apart from the fact that the petitioner is neither the owner nor the driver of the tempo in question, I deem it fit and proper to admit the petitioner to the privilege of regular bail.

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 the learned court of Special Judge, Excise Act, Patna in connection with Special Case No. 4951 of 2021 arising out of Khajekalan P.S. Case No. 236 of 2021.

(Mohit Kumar Shah, J)

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