

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57470 of 2022

Arising Out of PS. Case No.-235 Year-2022 Thana- RAFIGANJ District- Aurangabad

Santosh Kumar Son Of Mukhdev Yadav R/O Village- Keshopur, P.S.-
Rafiganj, Distt.- Aurangabad, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjit Kumar, Advocate

For the Opposite Party/s : Mr.Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 24-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Rafiganj P.S. Case No. 235 of 2022 registered
for the alleged offences under Section 30 (a) of the Bihar
Prohibition and Excise Act.

As per prosecution case, recovery of total 385.500
litres of country made *Mahua* liquor was made from an
identified place on the basis of secret information received by
the police that the petitioner and co-accused have brought the
same. The petitioner and co-accused fled away from the spot on
seeing the police party.



The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession. The recovery has been shown from a Government land near canal and the petitioner has no concern with the said land. The petitioner is in custody since 31.08.2022 and charge-sheet has been submitted. The petitioner is having clean antecedent.

Learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that no recovery has been shown from him and further considering his clean antecedent along with his period of custody and the submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise Court First, Aurangabad in connection with Rafiganj P.S. Case No. 235 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.



(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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