

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70075 of 2021

Arising Out of PS. Case No.-226 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

=====

SANTOSH KUMAR Son of Late Ram Pratap Singh Resident of Village-
Patti, P.S.- Barachatti, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Manish Kumar No2
For the Opposite Party/s : Mr. Md. Iftekhar Mahmood

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 24-05-2022 Heard the parties.

Petitioner seeks regular bail in connection with Excise
Case No. 226 of 2021 (CIS No. - 226 of 2021) registered
under Section 30(a) of the Bihar Prohibition and Excise
(Amendment) Act, 2018.

A total quantity of 45 liters of *Beer* has allegedly
been recovered from an *Auto*, which was being driven by
petitioner.

Learned counsel for the petitioner submits that
petitioner has got no criminal antecedent of similar nature of
offence and he has been implicated in this case merely because
he happens to be the driver of the *Auto* in question. He next
submits that petitioner was driving the vehicle at the instruction
and instance of its owner and he was not aware about the illicit
liquor being kept therein. He also submits that during search and
seizure procedures prescribed under Section 100 of the Cr.P.C.
and the Excise Act have not been followed. He further submits



that no illicit liquor has been recovered from the possession of the petitioner. The petitioner is in custody since 18 / 08 / 2021 and charge sheet has already been submitted.

Regard being had to the submissions made by the parties and taking into consideration the materials available on record, the fact that petitioner has got no criminal antecedent of similar nature of offence, he is in custody since 18/08/2021, charge sheet has already been submitted and there is no likelihood that petitioner will abscond or tamper with the evidence , as such, I am inclined to grant regular bail to the petitioner.

Let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 20000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-IIInd -cum- Special Judge of Excise Act, Gaya in connection with Excise Case No. 226 of 2021 (CIS 226 / 2021).

(Anil Kumar Sinha, J)

praful/-

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

