

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71956 of 2021

Arising Out of PS. Case No.-272 Year-2021 Thana- SONBERSA District- Sitamarhi

Santosh Kumar, S/o Nagendra Rai Resident of Village- Basatpur, Ward No.
-6, P.S.- Sonbarsa, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Jha, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 26-05-2022 Heard learned counsel for the parties.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection
with Sonbarsa P.S. Case No.272/2021 instituted under Section
30(a) of the Bihar Prohibition and Excise act and under Section
414 of the Indian Penal Code.

The allegation in the FIR is that the police upon
information intercepted a car and saw two persons including the
petitioner herein loading bags in it. The bags were searched and
it was found that total 452.4 liters of Nepali Saufi wine is inside
it. The same was recovered/seized and the accused persons
including the petitioner herein were arrested.

Learned counsel for the petitioner submits that he was
a mere labourer who was loading the consignment in the car



with little realization that it is Nepali Saufi wine.

Considering the fact that the petitioner is in custody since 02.10.2021 (as stated in para-11 of the bail application), and has no criminal history, this Court is inclined to grant him the privilege of bail. However, if it is found that he do have criminal antecedent, the bail order shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs.15,000/-(Rupees Fifteen Thousand) with two sureties of the like amount each in connection with Sonbarsa P.S. Case No.272/2021 to the satisfaction of learned Additional District & Sessions Judge, Ind-cum-Special Judge (Excise), Sitamarhi, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next six months to mark his presence;



(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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