

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18033 of 2023

Arising Out of PS. Case No.-208 Year-2019 Thana- DAWATH District- Rohtas

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Santosh Yadav @ Santosh Singh S/O- Late Bihari Singh Village- Karsar Ps-
Nawanagar Dist- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Dr. Kamal Deo Sharma, Advocate

For the Opposite Party/s : Mr. Veena Kumari Jaiswal, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 09-05-2023 1. Heard learned counsel for the petitioner and the learned
APP for the State.
2. Petitioner seeks regular bail in connection with Dawath P.S.
Case No. 208 of 2019 dated 22.12.2019 registered for the offence
punishable under Section 30(a) of Bihar Prohibition and Excise
Act.
3. The main submission advanced by learned counsel for
petitioner is that the instant matter relates to the recovery of
4112.64 litres of country made foreign liquor and the same is
stated to have been recovered from several vehicles but the
petitioner was not apprehended at the spot of alleged recovery and
his name came into light in the statement of co-accused Arun
Kumar Singh who is stated to be the owner of one of the vehicles
and the said co-accused has been granted bail by a co-ordinate
bench of this Court vide order passed in Cr. Misc. No. 58667 of

2022 and petitioner's case stands on better footing from him as he was not apprehended at the spot and in the present matter he has been languishing in jail since 19.01.2023, though against the petitioner there are criminal antecedents of two cases in which he is on bail and against him the investigation has been completed.

4. Learned APP for the State opposes the bail prayer of the petitioner.

5. Considering the above submissions and mainly the completion of investigation against the petitioner and also the fact that he was not apprehended at the spot and as per the statement made in paragraph no. 8 of the petition his name surfaced in the statement of co-accused Arun Kumar Singh who is on bail and as per the said co-accused petitioner is stated to be the driver of the *Scorpio* vehicle which was seized at the spot and also taking into account the petitioner's custody period, in my opinion, it is a fit case for bail to the petitioner. Accordingly, let the petitioner named above be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court in connection with Dawath P.S. Case No. 208 of 2019.

(Shailendra Singh, J)

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