

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18568 of 2023

Arising Out of PS. Case No.-801 Year-2022 Thana- KANTI District- Muzaffarpur

Santosh Kumar, Son Of Padarath Rai, Resident Of Village - Chhapra

Chowk, P.S. - Minapur, Distt. - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mrs. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 16-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks regular bail in connection with
Kanti P.S. Case No. 801 of 2022 for the offence registered
under Sections 30 (a), 32 (i), 32(ii), 36, 41(i) of the Bihar
Prohibition and Excise Act.

It is alleged in the prosecution case that on
search of Bolero pickup vehicle 864 litres of illicit
foreign liquor was recovered and the driver of the
pickup van apprehended who disclosed the name of the
owner of vehicle and three liquor traders including the
petitioner.



Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He was neither apprehended on spot nor any incriminating article has been recovered from his possession. His name has been transpired in the confessional statement of the co-accused Suraj Kumar Sahu who is the driver of the seized vehicle and the confessional statement has no evidentiary value in the eye of law. Petitioner has no criminal antecedent and is in jail custody since 24.01.2023.

Learned counsel appearing on behalf of the State opposes the prayer for grant of bail to the petitioner.

Considering the submissions on behalf of the parties, 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 learned Special Judge, Excise Court No.- II, Muzaffarpur in Kanti P.S. Case No. 801 of 2022.

(Sunil Dutta Mishra, J)

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