

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29345 of 2023

Arising Out of PS. Case No.-683 Year-2022 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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SANTOSH KUMAR @ SANTOSH MAHTO @ AANDHARA Son of
Shyam Mahto Resident of village - Bagbhara, P.S.- Muffasil, District -
Begusarai.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sabal Kumar Jha

For the Opposite Party/s : Mr.Suresh Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with
Muffasil P.S. Case No. 683 of 2022 registered for the offences
punishable under Sections 30(a) of the Bihar Prohibition and
Excise Amendment Act.

As per prosecution case, there is alleged recovery
of 717.12 liter foreign liquor from the place of occurrence.
Petitioner is not apprehended on spot. Apprehended co-accused
Ashok Rajak disclosed the name of petitioner and others who
are engaged in storage and business of illicit liquor.

Learned counsel for the petitioner submits that
petitioner is in custody since 07.03.2023. Petitioner bears two



criminal antecedents of similar nature. Learned counsel further submits that the petitioner is not apprehended on spot. On the basis of confessional statement of co-accused Ashok Rajak name of present petitioner has been transpired in this case. Nothing has been recovered from the conscious possession or personal possession of the petitioner.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, petitioner is not apprehended on spot, argument advanced on behalf of the parties and also taking into consideration the material available on record, let the petitioner above named be released on bail after framing of charge on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge Excise – Ist, Begusarai in connection with Muffasil P.S. Case No. 683 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will



remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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