

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36379 of 2023

Arising Out of PS. Case No.-208 Year-2022 Thana- BUXAR RAIL P.S. District- Bhojpur

SANTOSH KUMAR Son of Sri Satya Narayan Mahto R/v- Purandarpur
(Phulchandpur), P.S.- Jakkanpur, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar Sinha

For the Opposite Party/s : Mr.Arbind Kumar Pandey, App, 84

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 14-06-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Buxar
Rail P.S. Case No. 208 of 2022 registered for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise Amendment Act, 2018.

As per prosecution case, there is alleged recovery
of total 1214 litre illicit liquor of different brands from various
bags in question which were kept in train no. 09447 Down
(Ahmedabad-Patna Clone Express). 19 miscreants including the
petitioner were apprehended on the spot.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence and he has
falsely been implicated in this case. Petitioner is in custody



since 31.12.2022 and bears criminal antecedent of one case which is not similar to the present case in which he is on bail. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that co-accused Ajit Kumar on similar allegation has already been granted bail by this court vide Cr. Misc. No. 22639 of 2023.

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

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Court-1, Bhojpur, Ara in connection with Buxar Rail P.S. Case No. 208 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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