

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40567 of 2023

Arising Out of PS. Case No.-52 Year-2023 Thana- PARWALPUR District- Nalanda

SANTOSH KUMAR @ TUN TUN Son of Late Bachchu Rai Resident of
village - Bana Bigha, P.S.- Parwalpur, District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 18-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

2. Let the defect(s), if any, be removed within a period of
four weeks from today.

3. The petitioner seeks bail in connection with Parwalpur
P.S. Case No. 52 of 2023 registered for the offence under Section
30(a) of the Bihar Prohibition and Excise Act.

4. The accused/petitioner is named in the F.I.R. and is in
custody since 04.05.2023.

5. The allegation against the petitioner is to be engaged in
illegal trading/manufacturing of illicit liquor, where, there is recovery
of 14.94 litres of IMFL/country made liquor from the place of
occurrence.

6. Learned counsel appearing on behalf of the petitioner
submitted that name of petitioner surfaced on the basis of



confessional statement of co-accused Shailendra Kumar @Karu in furtherance of which no incriminating material recovered/surfaced as to connect this petitioner, *prima facie*, with present recovery of illicit liquor. It is submitted that said co-accused Shailendra Kumar@Karu has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 29470 of 2023 vide order dated 15.05.2023. While concluding the argument, it has been submitted that petitioner found involved in five more criminal cases, where he is on bail and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

7. Learned APP opposes the prayer of bail.

8. Considering the facts and circumstances as mentioned above and by taking note of the fact as save and except confessional statement nothing incriminating appears to be recovered during the course of investigation as to connect petitioner, *prima facie*, with present recovery of illicit liquor coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 04.05.2023, accordingly, above named petitioner is directed to be released on bail in connection with Parwalpur P.S. Case No. 52 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned 4th Additional District and Sessions Judge-cum-Special Judge Excise-II, Nalanda, Bihar Sharif/concerned court, subject to the



conditions as mentioned under Section 437 (3) of the Cr.P.C. with further conditions:

“(i) That the petitioner shall not involve in similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the learned Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the learned Trial Court till the conclusion of trial and exemption from physical appearance be allowed by the learned Trial Court, only on medical ground of the petitioner duly supported by the documents.”

(Chandra Shekhar Jha, J)

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