

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53051 of 2023

Arising Out of PS. Case No.-213 Year-2022 Thana- KUTUMBA District- Aurangabad

SANTOSH KUMAR SINGH @ BHUTTA @ SANTOSH KUMAR S/O
LATE SARYU PRASAD SINGH @ SARYUG PRASAD SINGH R/O
Village- Karamdih, P.S- Kutumba, Distt.- Aurangabad (Bihar).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kamlendra Pd. Singh, Adv.

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 12-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable u/s 30 (a) of Bihar Prohibition and Excise Amendment Act, 2018.

3. Altogether 401.70 liters of country made liquor is said to have been recovered from a Bolero and one person was apprehended from the spot, who disclosed that petitioner fled away on seeing the police.

4. It is submitted by learned counsel for the petitioner that the petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case due to ulterior motive. No incriminating article has been recovered



from the conscious physical possession of the petitioner. He has no concern either with the seized liquor or any trade of liquor. He was not apprehended on the spot and his name transpired in the case on the statement of the apprehended co-accused. The vehicle of recovery does not belongs to the petitioner. Petitioner has three criminal antecedent, out of which, two are of similar nature of offence.

5. Petitioner is agreed to deposit a sum of Rs.20,000.00 (Rupees Twenty Thousand) in the account of Mahavir Cancer Sansthan, Patna, bearing Account No.3332964762, IFSC Code: CBIN0282779, MICR Code: 800016018, Central Bank of India, Chitkohra Branch, Patna.

6. Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below, where the case is pending/Successor court, in connection with Kutumba P.S. Case No.213 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, with the following conditions:



(i) That one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) The bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature and thereafter the Court below will be at liberty to initiate proceeding for cancellation of anticipatory bail on the ground of misuse.

7. The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of aforesaid amount in the account of Mahavir Cancer Sansthan.

(Anjani Kumar Sharan, J)

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