

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52013 of 2023

Arising Out of PS. Case No.-269 Year-2023 Thana- BARUN District- Aurangabad

SANTOSH KUMAR Son Of Bijindra Singh Resident Of Village- Sarsauli,
P.S.- Jamhore, Dist- Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aman Vishal, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 19-08-2023 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 under Sections 30(a) and 41 of the Bihar Prohibition and Excise Act.

3. It is submitted by learned counsel for the petitioner that no incriminating article has been recovered from the conscious physical possession of the petitioner rather 388.8 liters of foreign liquor is said to have been recovered from a Tata-407 pick up vehicle. Petitioner has no concern either with the seized liquor or the vehicle from which recovery has been made or any trade of liquor. The petitioner was not apprehended at the spot. He submits that merely on the basis of statement given by the apprehended co-accused, this petitioner has been



made accused in this case. There is violation of Section 100 Cr.P.C. Petitioner has one criminal antecedent of similar nature of offence as mentioned in para-3 of this application.

4. Petitioner is agreed to deposit a sum of Rs.30,000.00 (Rupees Thirty Thousand) in the account of Patna High Court Legal Services Committee, Patna, bearing Account No. 1413010060836, IFSC Code: PUNB0141320, Punjab National Bank, Bar Council Branch, Patna.

5. 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 Barun P.S. Case No. 269 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C, Subject to the further conditions that:-

(i) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(ii) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.



6. The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of the aforesaid amount in the account of Patna High Court Legal Services Committee, Patna.

(Anjani Kumar Sharan, J.)

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