

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53230 of 2023

Arising Out of PS. Case No.-200 Year-2023 Thana- BUNIYAD GANJ District- Gaya

1. SANTOSH PRASAD TANTI @SANTOSH KUMAR TANTI SON OF LATE SHIBBU RAM TANTI RESIDENT OF VILLAGE- MANPUR SHIV CHARAN LANE, PS- BUNIYADGANJ, DISTT- GAYA
2. SANJEET KUMAR SON OF SANTOSH PRASAD TANTI @ SANTOSH KUMAR TANTI RESIDENT OF VILLAGE- MANPUR SHIV CHARAN LANE, PS- BUNIYADGANJ, DISTT- GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Chandra, Adv.

For the Opposite Party/s : Ms. Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-08-2023 1. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. Petitioners, who are in custody since 14.06.2023 seek bail in connection with Buniyadganj P.S. Case No.200/2023, dated 13.06.2023, registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2018.

3. According to prosecution case, total 108.525 litres of foreign liquor is said to have been recovered from the tempo of the petitioner.

4. Learned counsel for the petitioners submits that the petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that from bare perusal of the F.I.R. as well as seizure list, it appears that nothing has



been recovered from conscious possession of the petitioners rather the recovery has been made from the tempo in question. He further submits that as per F.I.R. as well as seizure list, it appears that altogether 108.525 litres of foreign liquor has been recovered from the tempo in question and the petitioners are neither the owner of the tempo in question nor the driver of the tempo in question. He further submits that co-accused, namely, Ajeet Kumar disclosed that the owner of the seized tempo is his brother namely, Ashok Kumar and the petitioners have no concern at all with the alleged recovery of illicit liquor or the vehicle in question. The petitioners are in custody since 14.06.2023.

5. Learned Additional Public Prosecutor for the State on the other hand vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances as well as period of custody, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-cum-Exclusive Special Excise Court No.1, Gaya in connection with Buniyadganj P.S. Case No.200/2023, subject to the following conditions:-

1. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their



absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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