

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.57775 of 2022**

Arising Out of PS. Case No.-74 Year-2021 Thana- GURUA District- Gaya

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Santosh Chaudhary @ Santosh Kumar Son of Hulash Chaudhary R/V-  
Chandisthan (Suggi), P.S- Amas Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Md. Javed Jafar Khan, Advocate  
For the Opposite Party/s : Mr. Zainul Abedin, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      04-01-2023                      Heard learned counsel for the petitioner and learned  
APP for the State.

Petitioner seeks bail in a case registered for the  
offences punishable under Section 353 of the Indian Penal Code  
and Section 30(a) of the Bihar Prohibition and Excise Act 2016.

Recovery is of 600 litres of country made wine.

Learned counsel for the petitioner submits that the  
petitioner has falsely been implicated in the present case. He  
further submits that the recovery has been made from forest area  
and not from petitioner's possession. He further submits that the  
name of the petitioner has been transpired on the basis of the  
confessional statement of the co-accused persons, namely,  
Sahdeo Kumar and Pachu Yadav. He further submits that the co-  
accused person, namely, Banti Kumar has been been granted



bail by this Hon'ble Court vide order dated 13.01.2022 passed in Cr. Misc. No. 60287 of 2021. He further submits that the petitioner has no concern at all with the alleged recovery of the illicit liquor or the motorcycle in question. He further submits that the petitioner is in custody since 25.07.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner on the ground that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case nothing has been recovered from the conscious possession of the petitioner, 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 Court below where the case is pending in connection with Gurua P.S. Case No. 74 of 2021, with the following conditions :-

(1) Petitioner 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the



witness, 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 petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. 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)**

Vanisha/-

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