

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63238 of 2023

Arising Out of PS. Case No.-374 Year-2023 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Santosh Singh @ Santosh Kumar Singh Son of Late Ramo Singh Village-
Amraur, P.S.- Muffasil (Singhauli Op.), Dist.- Begusarai

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Bipin Kumar, Advocate
For the Opposite Party : Mr. Md. Matloob Rab, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 17-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Muffasil (Singhauli O.P.) P.S. Case No. 374 of 2023 dated
27.06.2023 instituted for the offence punishable under Sections
307, 353, 504/34 of the Indian Penal Code and Section 30(a)/45
of Bihar Prohibition and Excise Act and Section 27 of the Arms
Act.

3. As per the case of prosecution, 131.276 litres
foreign wine has been recovered from the ditch for plantation of
Lemon.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has falsely been implicated in this



case. It is submitted that nothing has been recovered from the conscious possession/house of the petitioner. It is further submitted that the said foreign wine has been recovered from a Lemon orchard, which is an open place. It is further submitted that there is no specific allegation against the petitioner and the only allegation against the petitioner is that the said Lemon orchard belongs to the petitioner. Lastly, it has been submitted that the petitioner has no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Muffasil (Singhauli O.P.) P.S. Case No. 374 of 2023, he shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge – 1st Begusarai, subject to condition as laid down under Section 438(2) of the Cr.P.C, also subject to the following conditions:

- (i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates



without sufficient reason, his bail bond shall be cancelled by the Court below.

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

(iii). The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(iv). If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

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