

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64684 of 2023

Arising Out of PS. Case No.-78 Year-2022 Thana- RISIYAP District- Aurangabad

SANTOSH YADAV Son of Raju Yadav Resident of village - Kirpa Bigha,
Ibrahimpur, P.S. - Feshar, District - Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Nikita Mittal, Advocate
		Mr. Akash Raj, Advocate
For the Opposite Party/s :		Mr. Pranav Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 17-10-2023 Heard Mr. Akash Raj, learned counsel appearing on
behalf of the petitioner and the learned Additional Public
Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Risiyap P.S. Case No. 78 of 2022 registered for the offence
punishable under Sections 30(a) of the Bihar Prohibition and
Excise Act, 2016.

3. The police on a secret information with regard to
trafficking of illicit liquor intercepted XUV 500 vehicle and
apprehended one person, who was driving the vehicle. On
search, total 742.5 liters of country made liquor was recovered.
The apprehended person disclosed the name of the petitioner as
one of the consignee of the illicit liquor.



4. Learned counsel appearing on behalf of the petitioner submits that the petitioner has neither any concern with the vehicle, in question, nor with the alleged recovered illicit liquor. That apart, save and except the disclosure made by the apprehended person, there is no material suggesting the complicity of the petitioner in the present crime. Moreover, the confessional statement made before the police is hit by Sections 25 /26 of the Indian Evidence Act and is not admissible in the eyes of law. He next submitted that in fact on account of his past two criminal antecedents of identical nature, his name has been implicated in the present case at the behest of the police personnel. He lastly submits that there are other infirmities in the search and seizure, apart from the fact that the witnesses of the seizure are non-else but the police personnel. The petitioner undertakes that he will fully cooperate in the investigation or in the proceeding of the Court.

5. On the other hand, learned counsel for the State opposes the bail application and submitted that the petitioner is a habitual offender.

6. Regard being had to the submissions made on behalf of the parties and taking into consideration the fact that the petitioner has neither any concern with seized vehicle nor



with the recovered illicit liquor. Apart from the fact that there is no compliance of Section 100 of the Cr.P.C. and the name of the petitioner surfaced on the disclosure of the apprehended person, let the petitioner, above named, be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise -II, Aurangabad in connection with Risiyap P.S. Case No. 78 of 2022, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

saaurabhkr/-

U		T	
---	--	---	--

