

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1414 of 2023

Arising Out of PS. Case No.-126 Year-2022 Thana- GOH District- Aurangabad

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Santosh Kumar Son Of Rampravesh Yadav R/O Village- Tulsi Bigha, P.S.-
Goh, District- Aurangabad

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar

For the Opposite Party/s : Mr.Braj Kishore Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 28-03-2023 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner has prayed for bail in a case
registered for the offence punishable under sections
30(a) of the Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of one
motorcycle and 125.28 litres of I.M.F.L. from an open
place. One person was apprehended on the spot who
disclosed his name as Himanshu Raj Kumar @ Subodh
Kumar.

Learned counsel appearing on behalf of the
petitioner has submitted that petitioner is innocent and



has committed no offence. He has no concern with the alleged recovery or with the place of occurrence. The name of the petitioner has been disclosed in this case by the apprehended co-accused before the police, which has got no evidentiary value in the eye of law. Neither the petitioner was arrested on spot nor any incriminating article has been recovered from his conscious possession. It is further submitted that petitioner is owner of the motorcycle bearing registration number BR-26T-2079, which was sold to Subodh Kumar before 10 days of the occurrence. Moreover, petitioner is languishing in judicial custody since 30.08.2022. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent. Similarly situated co-accused person has been granted bail vide order dated 27.08.2022, passed in Cr. Misc No. 42993 of 2022 by the co-ordinate Bench of this Court.

Learned APP appearing for the State has opposed the prayer of Bail.



Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Court II, Aurangabad in connection with Excise Case No. 342 of 2022, arising out of Goh P.S. Case No. 126 of 2022.

(Sunil Kumar Panwar, J)

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