

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67260 of 2023

Arising Out of PS. Case No.-465 Year-2023 Thana- GARKHA District- Saran

SANTOSH SINGH SON OF MAKESHWAR SINGH RESIDENT OF
VILLAGE- ALIYASPUR, P.S.- GARKHA, DISTRICT- SARAN AT
CHAPRA (BIHAR)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar, Adv.

For the Opposite Party/s : Mr.Dilip Kumar No.1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 02-11-2023 Heard Mr. Rakesh Kumar, learned counsel for the
petitioner and Mr. Dilip Kumar No.1, learned A.P.P. for the
State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable u/s 30(a)/36/41 of Bihar
Prohibition and Excise Act.

3. Altogether 961.920 litres of foreign liquor is said to
have been recovered from a Truck and it is alleged that
petitioner and others fled away from the spot.

4. It is submitted by learned counsel for the petitioner that
the petitioner is quite innocent and has committed no offence.
He has been falsely implicated in this case due to ulterior
motive. No incriminating article has been recovered from the



conscious physical possession of the petitioner. He has no concern either with the seized liquor or any trade of liquor. He was not apprehended on the spot and his name transpired in the case on the basis of some secret information. Petitioner has one criminal antecedent of similar nature of offence.

5. Petitioner is agreed to deposit a sum of Rs.25,000.00 (Rupees Twenty Five Thousand) in the account of Lawyer's Association Welfare/ Benevolent Fund, Patna bearing Account No.42335550065, IFSC Code SBIN0010340, State Bank of India, High Court Campus Branch, Patna.

6. Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below, where the case is pending/Successor court, in connection with Garkha P.S. Case No.465 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, with the following conditions:

(i) That one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to



how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) The bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature and thereafter the Court below will be at liberty to initiate proceeding for cancellation of anticipatory bail on the ground of misuse.

7. The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of aforesaid amount in the Lawyer's Association Welfare/ Benevolent Fund, Patna.

(Anjani Kumar Sharan, J)

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