

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.70867 of 2023**

Arising Out of PS. Case No.-417 Year-2022 Thana- BAHERA District- Darbhanga

Santosh Kumar Thakur, Son Of Ram Bharosh Thakur, R/O Village - Benipur,  
Majhaura, P.S.- Bahera, District- Darbhanga

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Nawal Kishor Prasad, Advocate

For the Opposite Party/s : Mr.Md. Iftekhar Mahmood, APP

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL ORDER**

2      07-11-2023                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with  
Bahera P.S. Case No.417/2022 lodged on 18.09.2022 under  
Section 30(a) of the Bihar Prohibition and Excise (Amendment)  
Act, 2016.

3. As per the prosecution case, total recovery of  
170.640 litres illicit liquor is the subject matter of the present  
case.

4. Learned counsel for the petitioner submits that the  
petitioner is innocent and has committed no offence. There is no  
recovery from the conscious possession of the petitioner. The  
petitioner is in custody since 15.09.2023 and is accused in one  
more criminal cases, in which he is on bail.



4. Learned counsel for the State opposes the prayer for bail and submits that the said recovery has been made from the house of the petitioner and he is accused in one more criminal case.

5. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be released on bail, **but only after framing of charge**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge-II (Excise Act), Darbhanga, in connection with Bahera P.S. Case No.417 of 2022, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure with other following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned



police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

**(Dr. Anshuman, J)**

Ashwini/-

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