

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71011 of 2023

Arising Out of PS. Case No.-843 Year-2023 Thana- AGAMKUAN District- Patna

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Santosh Kumar, S/O Ramashray Yadav Village- Dayalpur,Ps. Hilsa, Dist. Nalanda, And Presently R/O Renter In The House Of Choudhary Ji Bhawatnagar, P.S. Agamkuan, Dist. Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravish Mishra, Adv.

For the Opposite Party/s : Mr. Arun Kumar, APP

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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 Agamkuan P.S. Case No. 843 of 2023, lodged on 28.08.2023 under Sections 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, the FIR has been lodged against sole petitioner from whose possession total 24.33 litres of country made foreign liquor has been recovered from his motorcycle and he was apprehended from the place of occurrence.

4. Learned counsel for the petitioner submits that the present case has been filed under a conspiracy and the petitioner is innocent and has committed no offence. He also submits that



the petitioner is in custody since 29.08.2023 and there are two criminal cases which are pending against him in which he is on bail and charge-sheet has already been submitted.

5. Learned APP for the State vehemently opposes the prayer for bail of the petitioner and submits that there are two criminal cases pending against the petitioner under Excise Act and therefore, at the time of granting bail to the petitioner, this aspect may be taken into consideration.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail **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 Court of Excise, Patna City in connection with Agamkuan P.S. Case No. 843 of 2023, subject to the conditions as laid down U/s 437(3) Cr.P.C. as well as the 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.)

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