

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68698 of 2022

Arising Out of PS. Case No.-669 Year-2022 Thana- FATEHPUR District- Gaya

SANTOSH KUMAR, S/o Bhuneshwar Yadav, R/V- Kumbhiyatri, P.S.-
Fatehpur, District- Gaya

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Anand, Advocate

For the Opposite Party/s : Ms.Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 10-02-2023 Heard learned counsel for the petitioner and the learned
APP for the State.

The petitioner seeks bail in connection with Fatehpur P.S.
Case No. 669 of 2022 registered for the offence punishable under
Section 30(a) of the Bihar Prohibition and Excise Amendment Act,
2018.

The prosecution case alleges recovery of 200 litres
country made illicit liquor from petitioner's vehicle wherein the
petitioner was also arrested.

Learned counsel for the petitioner submits that it is a case
of false implication. Falsity is evident from the fact that the
prosecution case is absurd and improbable that a person would be
transporting illicit liquor in his own vehicle. In fact, implication is
based on extraneous considerations and on account of such false
implication, the petitioner, having no antecedents, is in custody since
07.11.2022. Moreover, investigation is also complete. Recovery is
denied and disputed and is stated to be not in accordance with law.



Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, manner of petitioner's implication, period of custody and the fact that investigation is complete, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel.

Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.1, Gaya, in connection with Fatehpur P. S. Case No. 669 of 2022, subject to 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. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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