

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71292 of 2022

Arising Out of PS. Case No.-364 Year-2022 Thana- NAVINAGAR District- Aurangabad

SANTAN KUMAR YADAV @ SANTAN KUMAR Son of Vishnu Yadav
Resident of Village - Ramnagar, P.S.- Nabinagar, District - Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramendra Kumar Singh

For the Opposite Party/s : Mr. Indu Kumari Srivastava

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

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

The petitioner seeks bail in connection with Nabinagar P.S. Case No. 364 of 2022, registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016 and Sections 25(1-b), 26, 35 of Arms Act.

As per allegation 32.580 liters of country-made liquor has been recovered from a jute bag and one country-made pistol has been recovered which laying on the ground near bricks kiln.

Ld. counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in this case. He further submits that nothing has been recovered from the conscious possession of the possession. He also submits that search and seizure has not been made as per the procedure as prescribed under Section 100 Cr. P.C.

He further submits that the petitioner has been languishing in jail since 03.10.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in one other case.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Special



Judge, Excise-1st , Aurangabad in connection with Nabinagar
P.S. Case No. 364 of 2022 on the following conditions:

(i) The petitioner will make himself available for
interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that
investigation/trial will not get hampered on account of his
absence or non-cooperation. He must be available to the
police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly
make any inducement, threat or promise to any person
acquainted with the facts of the case so as to dissuade him
from disclosing such facts to the court or to any police
officer.

(iv) In case, it is brought to the notice of the court
below that the petitioner has criminal antecedents other than
the disclosed one, Ld. court below shall cancel the bail bonds
of the petitioner after hearing him and getting satisfied that
the petitioner has concealed his criminal antecedents despite
his knowledge of the same.

(v) In case, it is brought to the notice of the court



below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

(vi) In case, the petitioner repeats offence of similar nature after enlargement on bail, his bail-bond will be cancelled by the court below.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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