

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2493 of 2023

Arising Out of PS. Case No.-285 Year-2022 Thana- PATNA RAIL P.S. District- Patna

SANTOSH KUMAR Son of Ramanand Ray Resident of Village - Near Masjid, Jethuli, P.S.- Nadi, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jay Ram Prasad, Advocate

For the Opposite Party/s : Mr.Ajay Kumar Jha, A PP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-04-2023 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since 17.05.2022 in connection with Special Case No. 2616 of 2022 arising out of Rail P.S. Patna Junction (Banka Ghat) Case No.285 of 2022, F.I.R. dated 16.05.2022 registered for the offence punishable under Sections 353/34 of IPC and Section 30(a) of Bihar Prohibition and Excise Amendment Act, 2018 and Sections 141,154,145,164 of the Railway Act.

Recovery is of 47.75 liters of illicit foreign liquor.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case on the basis of suspicion. Further submits that it appears from the FIR as well as the seizure list that altogether 47.75 liters of



of English Wine has been recovered from possession of the petitioner. Learned counsel for the petitioner submits that there is non-compliance of Section 100 of Cr. P.C. and nothing has been recovered from conscious possession of the petitioner rather the police has planted the same and shown the recovery from possession of the petitioner and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 17.05.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries two more case other than the present one.

Considering the aforesaid fact, nothing has been recovered from possession of the petitioner and the name of the petitioner has been transpired on the basis of suspicion, 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 Special Judge, Excise, Patna in connection with Special Case No. 2616 of 2022 arising out of Rail P.S. Patna Junction (Banka Ghat) Case No.285 of 2022,with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court



and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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