

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17470 of 2024

Arising Out of PS. Case No.-139 Year-2023 Thana- DARIHAT District- Rohtas

Santosh Kumar @ Bhola Langra son of Nagendra Singh @ Naga village-
Basdihan Ps- Karakat Dist- Rohtas

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kamla Kant Pandey, Adv.

For the Opposite Party/s : Mr.Sucheta Yadav, Adv.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 19-04-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Darihat P.S. Case No. 139 of 2023 registered for the offences
punishable under Section 414 of the I.P.C. and Section 30(a) of the
Bihar Prohibition and Excise Act.

3. As per prosecution case, 249 litre foreign liquor
was recovered from the Bolero Pick-up vehicle in question.
Apprehended co-accused Upendra Singh (driver) and Salim Ansari
(co-driver) disclosed the name of co-accused Dablu Kumar Gupta
who was involved in supplying the illicit liquor.

4. Learned counsel for the petitioner submits that
petitioner is not named in F.I.R. He further submits that the name
of the petitioner has been surfaced in this case upon the



confessional statement of co-accused Dablu Kumar Gupta. Except confessional statement of co-accused, there is nothing on record to demonstrate the complicity of the petitioner with the alleged occurrence. Learned counsel orally submits that the Bolero Pick-up vehicle in question does not belong to the petitioner. Petitioner is in custody since 21.12.2023 and bears criminal antecedent of two cases in which he is on bail. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Petitioner is not apprehended on the spot and no incriminating article has been recovered from his conscious possession. Seizure list has not been prepared in accordance with law. He further submits that co-accused Dablu Kumar Gupta upon whose confessional statement the name of the petitioner has been surfaced in this case, has already been granted bail by this Court vide Cr. Misc. No. 5032 of 2024 and the case of present petitioner stands of better footing as petitioner is neither named in F.I.R. nor apprehended on the spot and hence, he deserves bail.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, co-accused has already been granted bail, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument



advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise Court No. 1 Rohtas at Sasaram in connection with Darihat P.S. Case No. 139 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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