

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29485 of 2024

Arising Out of PS. Case No.-107 Year-2024 Thana- BRAHMPUR District- Buxar

Santosh Ram @ Santosh Kumar S/o Late Nandji Ram Resident of Village-
Nuaanaw, P.S.- Krishna Braham, District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramakant Yadav, Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 19-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Brahmpur (Krishna
Braham) P.S. Case No. 107 of 2024, instituted for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act.

3. The prosecution case, in short, is that, 15.360 liters
liquor was recovered from gallon near road.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. No incriminating material has been recovered from
the conscious possession of the petitioner. The petitioner has got
no concern with the alleged recovery of liquor. It is further



submitted that the alleged recovery has been made from the field which near the house of the petitioner and name of the petitioner has transpired on the basis of confessional statement made by the co-accused Mantosh Ram. The petitioner is in custody since 03.03.2024 and has got three criminal antecedents in which the petitioner is on bail as per paragraph 4 of the Supplementary Affidavit. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted bail by this Court vide order dated 08.04.2024 passed in Cr. Misc. No. 26972 of 2024. There is no compliance of Section 100 of Cr.P.C.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Brahmpur (Krishna Braham) P.S. Case No. 107 of 2024, subject to the following conditions:



(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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