

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30547 of 2024

Arising Out of PS. Case No.-280 Year-2023 Thana- MAHNAR District- Vaishali

Santosh Kumar Son of Vijay Ray Resident of Village- Jadhua Chisti Tola, Ps-
Ganga Bridge, Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anuj Kumar, Adv.

For the Opposite Party/s : Mr.Mohammed Arif, 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 connection with Manhar
P.S. Case No. 280 of 2023 instituted for the offences under
Section 272, 273 of the Indian Penal Code and Section 30(a),
32(ii) (iii), 36, 41(i) (ii) of the Bihar Prohibition and Excise
Amended Act, 2018.

3. As per prosecution case, the police has recovered
altogether 4876.965 liter country made English liquor from the
truck bearing Regd. No. BR02GC-1265.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case



due to high handedness of police at the instance of local enemy. The name of the petitioner has transpired in this case on the basis of disclosures made by the co-accused Manjay Kumar. Nothing incriminating has been recovered from the conscious possession of the petitioner. The truck, in question, does not belong to the petitioner. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present bail application. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner is languishing in judicial custody since 16.03.2024.

5. Learned counsel for the petitioner again submits that the co-accused Kumar Anuj and Mulayam Kumar have been granted bail by this Court vide order dated 10.04.2024 passed in Cr. Misc. Nos. 86366 of 2023 along with 14813 of 2024.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the petitioner having no criminal antecedent, let the



petitioner, abovenamed, be released on bail, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Manhar P.S. Case No. 280 of 2023.

(Rudra Prakash Mishra, J)

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