

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34843 of 2024

Arising Out of PS. Case No.-98 Year-2007 Thana- DIDARGANJ District- Patna

Santosh Kumar Singh S/O Brijnandan Singh R/O Village- Fatehpur, P.S-
Didargaj, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Pradeep Narain Kumar, APP

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

ORAL ORDER

2 09-05-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Special
Case No. 12393 of 2007 arising out of Didarganj P.S. Case No.
98 of 2007 instituted for the offences under Section 47(a) of the
Bihar Excise Act.

3. As per prosecution case, the police has recovered 40
liters illegal country made liquor from the place of occurrence.

4. Learned counsel for the petitioner submits that the
present bail application is the misuse of privilege of bail for
more than 14 years. He submits that the petitioner was granted
bail on 01.07.2008, the bail bond of the petitioner was cancelled
on 13.01.2010 and the process of N.B.W. and Sections 82/83



Cr.P.C. were also issued against the petitioner. Ultimately, the petitioner was arrested and produced before the court on 01.04.2024.

5. On merit, 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. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the seized liquor. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner has no criminal antecedent and is languishing in judicial custody since 01.04.2024 without any rhyme or reason.

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 Special Case No. 12393 of 2007 arising out of Didarganj P.S. Case No. 98 of 2007, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate 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 in the event of failure on a single date without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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