

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54387 of 2024

Arising Out of PS. Case No.-323 Year-2024 Thana- SAKRA District- Muzaffarpur

Santosh Kumar Son of Rajendra Mahto R/O Vill.- Bishanpur Bakhri, P.S.-
Sakra, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Jai Narain Thakur, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 29-08-2024 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Sakra P.S. Case No. 323 of 2024 dated 21.06.2024 registered for the offences punishable u/ss 272, 273, 420, 467, 468, 471, 34 of the I.P.C. and Sections 30(a), 30(d), 36 of Bihar Prohibition and Excise Act and Sections 25(1-B)a, 26, 35 of the Arms Act.

3. As per the prosecution case, total 22.500 litres of illicit foreign liquor, some empty bottles and liquor making apparatus were recovered from the mango orchard of the Krishana Kumar and one country made pistol alongwith one live cartridge was recovered from the possession of the



petitioner.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The name of the petitioner was disclosed by the local chowkidar. The petitioner has no concern with the alleged recovery rather the recovery has been made from an open place which is accessible to anyone. Nothing has been recovered from the conscious possession of the petitioner. The co-accused person has already been granted regular bail by this court vide order dated 30.07.2024 passed in Cr. Misc. No. 54836 of 2024. The petitioner has two criminal antecedents in which he is on bail as stated in para 3 of the bail petition. The petitioner is in custody since 21.06.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the nature of allegation levelled against the petitioner and the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Muzaffarpur in connection with Sakra P.S. Case No. 323 of



2024 with the conditions :-

- (i) *The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.*
- (ii) *If the petitioner is found involved in similar nature of offence in future, the prosecution will be at liberty to move for cancellation of his bail bond.*

7. The application stands allowed.

(Chandra Prakash Singh, J)

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