

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56202 of 2024

Arising Out of PS. Case No.-8 Year-2024 Thana- Excise P.S. District- Saran

Santosh Kumar @ Santosh Ray S/O Late Sakal Rai, R/O Village- Dighi Kala,
Gandhi Ashram, Ward No 23, P.S- Sadar Hajipur, Dist.- Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Mritunjay Kumar, Advocate
For the Opposite Party : Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 25-09-2024 Heard Mr. Mritunjay Kumar, the learned counsel
for the petitioner and Mr. Damodar Prasad Tiwary, the learned
Additional Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since
17.01.2024, in connection with Sonapur Excise P.S. Case No. 08
of 2024, FIR dated 16.01.2024, registered for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act.

3. Recovery is of 750 mL of foreign liquor.

4. Learned counsel for the petitioner submits that
petitioner has falsely been implicated in the present case. He
further submits that altogether 750 mL of foreign liquor has
been recovered from the pant pocket of the petitioner, but the
seizure has not been made in compliance with Section 100 of



Cr.P.C. He further submits that the police after investigation has submitted the charge sheet against the petitioner and the petitioner is in custody since 17.01.2024.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that from perusal of the FIR, it appears that recovery has been made from the possession of the petitioner. Apart from that, petitioner carries three criminal antecedents other than the present one, however, petitioner is on bail in the pending matters.

6. Considering the aforesaid facts and circumstances, and mainly the fact that there is non-compliance of Section 100 of the Cr.P.C. during seizure, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Court of 3rd Exclusive Special Excise Court, Saran at Chapra, in connection with **Sonepur Excise P.S. Case No. 08 of 2024**, subject to the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as



directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(ii). 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.

(iii). And further condition that the learned trial Court shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the learned trial Court shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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