

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58470 of 2024

Arising Out of PS. Case No.-118 Year-2023 Thana- PUSA District- Samastipur

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Santosh Das @ Santosh Kumar Das, aged about 40 years, Male, S/o- Upendra Das, R/O Village- Harpur Bhuskaul, P.S.- Pusa, Dist- Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Deepak Kumar Singh, Advocate
For the Opposite Party : Mr. Uma Nath Mishra, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 31-08-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Pusa P.S. Case No. 118 of 2023 dated 17.10.2023 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution case, total 430.560 litres of illicit foreign liquor was recovered from the Mahindra Bolero Pick-up, Mahindra Bolero vehicle and one Apache motorcycle which were parked in the godown of the co-accused Santosh Das.



4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that nothing has been recovered from the conscious possession of the petitioner rather the recovery of the liquor is made from the chicken feed godown which is in abandoned condition and 1 K.M., far way from the house of the petitioner. The said godown is a joint family property of the petitioner. The petitioner has no concern with the alleged recovered liquor. He was not present at the time and place of occurrence. The petitioner was not involved in any sale, purchase and manufacturing of liquor so alleged section of Bihar Prohibition and Excise Act is not made out. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 16.07.2024.

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 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 Exclusive Special Judge, (Excise)-01, Samastipur/concerned court in



connection with Pusa P.S. Case No. 118 of 2023.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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