

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59765 of 2024

Arising Out of PS. Case No.-378 Year-2024 Thana- Excise P.S. District- Patna

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Santosh Kumar S/o- Vinay Yadav Village- Damuhan PS-Kako Distt-
Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Paras Nath, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 28-08-2024 Heard the learned Advocate for the petitioner and the

learned APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Masaurhi Excise P.S. Case No. 378 of 2024,
registered for the offence punishable under Section 30 (a) of the
Bihar Prohibition & Excise Act, 2018.

3. The police on a tip of carrying illicit liquor in CNG
tempo bearing registration no. BR25PA-3231 intercepted the
same and apprehended the petitioner, who was said to be driver
of the tempo. On search, total 144 liters of country made foreign
liquor was recovered.

4. Learned Advocate for the petitioner contended that
from the narratives made in the FIR it is evident that the
petitioner is driver of the tempo, in question, and in fact on the



alleged date of occurrence, he was carrying passengers. However, noticing the police party, the passengers succeeded in fleeing away after leaving the goods and he was not knowing this fact that any of the passenger was carrying the illicit wine. It is next contended that the petitioner bears fair antecedent and, moreover, there are other irregularities in the search and seizure and the witnesses are none else but the police personnel. Be that as it may, the petitioner is in custody since 26.06.2024.

5. On the other hand, learned APP for the State vehemently opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner is a driver, having fair antecedent. Moreover, investigation of the crime is complete and the charge-sheet has been submitted, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise Court No.-II, Patna in connection with Masaurhi Excise P.S. Case No. 378 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the



trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below 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 court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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