

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76860 of 2024

Arising Out of PS. Case No.-70 Year-2021 Thana- RAUTA District- Purnia

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Santosh Kumar S/O Late Uttam Lal Yadav Resident of village- Chainsingh
Patti, Ward No- 2, P.S- Supaul, District - Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-10-2024 Heard Mr.Sanjeev Kumar, learned counsel for the
petitioner and Mr.Anil Kumar, learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
06.08.2024 in connection with Rauta P.S. Case No. 70 of 2021,
F.I.R. dated 10.07.2021 registered for the offence punishable
under Sections 272,273,34 of IPC and Section 30(a) of Bihar
Prohibition and Excise Act, 2016.

3. Recovery is of 312.480 liters of foreign liquor.

4. Learned counsel appearing for the petitioner
submits that the petitioner has clean antecedent and he has
falsely been implicated in the present case. Further submits that
from a bare perusal of the FIR it appears that altogether 312.480
liters of foreign liquor has been recovered from the vehicle in
question and the name of the petitioner has been transpired



during investigation on the basis of the confessional statement of co-accused person, namely, Pravin Kumar and except the aforesaid, no other cogent material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence and the petitioner is in custody since 06.08.2024 .

5. Learned APP for the State has opposed the prayer for bail of the petitioner.

6. Considering the aforesaid fact and petitioner has clean antecedent, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge Court No.02, Purnea in connection with Rouda P.S. Case No. 70 of 2021, with the following conditions:-

(I) Petitioner shall co-operate 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 on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(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 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 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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