

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78295 of 2024

Arising Out of PS. Case No.-507 Year-2022 Thana- Excise P.S. District- Nawada

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Santosh Chaudhary @ Santosh Kumar Son of Late Umesh Chaudhary
Resident Of Village- Rajauli Upar Danda, PS- Rajauli, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Advocate

For the Opposite Party/s : Mr. Zainul Abedin, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 21-11-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Excise P.S. Case No. 507 of 2022 registered under Sections
30(a), 37, 56(2)(II) of Bihar Excise Act.

3. Altogether, 30 liters illicit liquor was recovered from
the motorcycle. Co-accused Dilip Yadav apprehended on spot
who disclosed the name of this petitioner.

4. Learned counsel appearing on behalf of the petitioner
submits that petitioner is innocent and has falsely been
implicated in the present case due to suspicion. Further
submission is that petitioner has no concern neither with the
seized motorcycle nor with the illicit liquor. Nothing has been
recovered from the conscious possession of the petitioner.



Petitioner has been made accused in this case merely on the confessional statement of co-accused Dilip Yadav. Petitioner has got one criminal antecedent of similar nature.

5. Petitioner is agreed to deposit a sum of Rs.10,000.00 (Rupees Ten Thousand) in the account of Mahavir Cancer Sansthan, bearing Account No.3332964762, Central Bank of India, Chitkohra Branch, IFSC Code :CBIN0282779 (fifth character is zero), MICR Code :800016018.

6. Having considered the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of arrest or surrender before the learned court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000 (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending/successor Court in connection with Excise P.S. Case No. 507 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C., with the following conditions:

(i) That one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.



(ii) The bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature and thereafter the Court below will be at liberty to initiate proceeding for cancellation of anticipatory bail on the ground of misuse.

7. The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of the aforesaid amount in the account of Mahavir Cancer Sansthan.

(Anjani Kumar Sharan, J)

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