

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83678 of 2023

Arising Out of PS. Case No.-227 Year-2023 Thana- KOCHADHAMAN District- Kishanganj

Santosh Kumar @ Bidyanand Kumar Son Of Lattu Lal Mahto @ Laddu Lal
Mahto R/O Wrongly Mentioned P.S.- Nakhnaur In The F.I.R. And Imp. Order,
Village- Harbhanga, P.S.- Lakhnaur, Dist.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gagan Deo Yadav

Mr. Vinod Kumar

For the Opposite Party/s : Mr.Navin Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 12-01-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with
Kochadhaman P.S. Case No. 227/2023 dated 25.09.2023
registered for the offences punishable under Sections 420, 467,
468, 471 of the I.P.C. and Sections 30(a), 32, 41, 47 of the Bihar
Prohibition and Excise Act.

3. As per prosecution case, 160.500 litre illicit
liquor was recovered from Bolero vehicle in question and
petitioner was apprehended on spot.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence as alleged
in the FIR and he has falsely been implicated in this case. It is



further submitted that petitioner is neither owner nor driver of the vehicle in question and he is not in any way connected with the alleged recovery. Petitioner is a passenger of the said vehicle and he was apprehended merely on account of suspicion. Except suspicion, there is nothing on record to connect the present petitioner with the alleged occurrence. petitioner is in custody since 25.09.2023. Learned counsel orally submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Petitioner bears no criminal antecedent.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge II cum Special Judge (Excise), Kishanganj in connection with Kochadhaman P.S. Case No. 227/2023 dated 25.09.2023, subject to following conditions:-



(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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