

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3092 of 2024

Arising Out of PS. Case No.-498 Year-2023 Thana- BAHADURPUR District- Darbhanga

Santosh Sahu S/O RAM BRIKSH SAHU VILLAGE- PANSIHA, PS.
BAHADURPUR (PATOR O.P.), DIST. DARBHANGA.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nilendu Kumar Choudhary

For the Opposite Party/s : Mr.Shantanu Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 31-01-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with
Bahadurpur (Pator O.P.) P.S. Case No. 498/2023 registered for
the offences punishable under Section 30(a) of the Bihar
Prohibition and Excise Act, 2018.

3. As per prosecution case, there was alleged
recovery of 151.170 liters foreign liquor from the place of
occurrence and apprehended co-accused Sanjay Manjhi and
Bhopal Mandal disclosed the name of petitioner and other who
were involved in supplying the illicit liquor for selling.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case. The petitioner is not apprehended on the spot and nothing



has been recovered from the conscious possession of the petitioner. The petitioner is languishing in custody since 17.11.2023. He orally submits that the petitioner bears criminal antecedent of three cases and in all cases he is on bail. He further submits that except confessional statement of co-accused Sanjay Manjhi and Bhopal Mandal, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. He further submits that the petitioner was not concerned with the seized liquor and he was not in any way connected with the alleged occurrence. He orally submits that charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

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

6. Considering the facts and circumstances of the case, period of custody, petitioner is not apprehended on the spot, 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 bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge-1st (Excise Act), Darbhanga in connection with



Bahadurpur (Pator O.P.) P.S. Case No. 498/2023, 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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