

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30601 of 2025

Arising Out of PS. Case No.-63 Year-2009 Thana- MIRGANJ District- Gopalganj

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Santosh Prasad @ Santosh Kumar Soni@Santosh Parsad S/O Late Paras Nath Prasad Resident of village- Mill Road, Badi Majid , Sabjee mandi, P.S.- Mirganj, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Md Danish Quamar

For the Opposite Party/s : Mr.Binod Kumar

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 13-05-2025 Heard learned counsel for the petitioner and learned A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Mirganj P.S. Case No. 63 of 2009 dated 17.03.2009 registered for the offences punishable u/s 272 and 273 of the IPC and section 47(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 25 litres of illicit country made liquor was recovered from the house of the petitioner.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner has no concern with the alleged



recovery. Nothing has been recovered from the conscious possession of the petitioner. It is further submitted that the petitioner had already been granted bail 17.04.2009 by the Ld. Court below concerned but due to communication gap, the bail bond of the petitioner has been cancelled. It is a case of first misuse of bail granted to the petitioner. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 24.03.2025.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner by submitting that on 17.09.2012, the process of 82 Cr.P.C. has been issued against the petitioner and on 28.11.2016 due to long non- appearance and non-cooperation, the petitioner was declared absconder.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Gopalganj in connection with Mirganj P.S. Case No. 63 of 2009, with the following conditions-

(i). The petitioner is directed to remain physically present before the learned Court below on each and every date,



failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

(ii). The petitioner is directed to cooperate in the trial before the learned court below.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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