

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31956 of 2025

Arising Out of PS. Case No.-80 Year-2025 Thana- EXCISE SHERGHATI District- Gaya

Santosh Kumar Chaudhary S/O Late Rajendra Pasi R/O Village- Ekauni
Mahuat, P.S- Sonhan, Distt.- Kaimur Bhabhua, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aquaib Khan, Advocate

For the Opposite Party/s : Mr.Braj Kishore Pd.(App)

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 20-05-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Learned counsel for the petitioner is permitted to correct the date of custody as stated in Paragraph '4' of the bail petition during the course of day.

3. The petitioner seeks regular bail in connection with Prohibition and Excise Serghati P.S. Case No. 80/2025 registered for the offences under Sections 30(a), 32(c) of Bihar Prohibition and Excise (Amendment) Act, 2022.

4. As per the prosecution case, on secret information a tempo was stopped and one person was apprehended who disclosed his name as Santosh Kumar Chaudhary (petitioner) and on search a total quantity of 280 litres of illegal desi mixed liquor was recovered.



5. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case as he happens to be the driver of the commercial tempo and he was not aware of the contents which was kept inside the said tempo. It is lastly submitted that the petitioner has clean antecedent and is languishing in custody since 09.03.2024.

6. Learned APP for the State has opposed the prayer for bail of the petitioner and submits that 280 litres of illegal desi mixed liquor was recovered from the tempo which the petitioner was driving.

7. Considering the aforesaid facts and circumstances of the case and taking into account that the vehicle, from which 280 litres of illegal desi mixed liquor was recovered, did not belong to the petitioner and that the petitioner was only driver of the said vehicle, let the petitioner above-named be enlarged on bail on deposition of a sum of Rs. 5,000/- to the Patna High Court Legal Services Committee, Patna and an acknowledgment receipt be submitted before the learned Court below prior to the furnishing of bail bond and thereafter on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge (Excise)-3, Gaya in connection with Prohibition and Excise



Serghati P.S. Case No. 80/2025 subject to the conditions :-

- a. One of the bailors of the petitioner shall be his close relative.
- b. The petitioner shall remain physically present in Court on each date of the trial.
- c. In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to the cancelled by the Court concerned.
- d. 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 aforementioned order shall not be delayed for purpose of or in the name of verification.

(Sourendra Pandey, J)

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