

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62173 of 2024

Arising Out of PS. Case No.-90 Year-2021 Thana- UJIYARPUR District- Samastipur

Santosh Kumar Singh S/o Rudal Singh @ Nathuni Singh R/o Village-
Gorhiari, P.S.- Tajpur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 10-01-2025 Heard Learned Counsel for the petitioner and Learned
APP for the State.

2. The petitioner is apprehending arrest in connection with Ujiarpur P.S. Case No. 90 of 2021 lodged on 04.04.2021, for the offences punishable under Section 414, 467, 468, 471, 420 & 34 of the Indian Penal Code read with sections 30(a), 41(i)(ii) of the Bihar Prohibition and Excise Act.

3. As per the prosecution, total recovery of 2852.28 litres of foreign liquor has been made from a vehicle which is the subject matter of the present case.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel also submits that petitioner is not named in the FIR and his name has been figured in this case only by virtue of the



confessional statement of the co-accused which has no evidentiary value. Counsel submits that petitioner is neither owner nor driver nor *khalasi* of the said vehicle from which alleged recovery has been made. Counsel further submits that similarly situated persons have been granted anticipatory bail by the Co-ordinate Bench of this Court *vide* order dated 24.06.2022 passed in Cr. Misc Nos. 63737 of 2021 & 69406 of 2021 respectively. Counsel submits that case diary has been called for and from the said case diary, only material figured against the present petitioner is that he has provided labourers to the accused persons for unloading the materials from the truck. Counsel further submits that petitioner is completely unaware that what to unload from the said commercial vehicle.

5. Learned Counsel for the petitioner further submits that criminal antecedent of petitioner is not clean as there is one case pending against him in which he is on bail. Counsel further submits that the accused person to whom anticipatory bail has been granted has three criminal antecedents.

6. Learned APP for the State opposes the prayer for bail of the petitioner but submits that one co-accused has been granted anticipatory bail having three criminal antecedents, whereas, the present petitioner has one criminal antecedent.



7. As such, considering the aforesaid facts and circumstances, 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 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) with two sureties of the like amount each to the satisfaction of the Exclusive Special Judge, Excise-I, Samastipur in connection with Ujiarpur P.S. Case No. 90 of 2021, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dr. Anshuman, J)

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