

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 76205 of 2019**

Arising Out of PS. Case No.-28 Year-2019 Thana- BEGUSARAI MUFFASIL District-
Begusarai

=====

KANHAIYA KUMAR Son of Jay Jay Ram Singh Resident of Chhoti Eghu
Ward No.-45, Mohan Eghu, P.S.- Muffasil, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Raj Kumar Sinha
For the Opposite Party/s : Mr.Md. Iftekhar Mahmood

=====

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 05-12-2019 Heard learned Senior Counsel for the petitioner and
the learned APP for the State.

Petitioner seeks bail in a case registered under Section
30 (a) of Bihar Excise and Prohibition (Amendment) Act, 2018.

It is submitted by the learned Senior Counsel
appearing for the petitioner that the recovery is from the
Prathmik School at Hanuman Garhi. Petitioner was not present
at the time of recovery of 3670 liters of prohibited intoxicant. It
is further submitted that falsity of the allegation is apparent from
the fact that seizure list does not even bear signature of the
witnesses. It is also submitted that the petitioner is on bail in
other cases which are pending against him, details of which
have been disclosed in paragraph 3 of the petition. In the instant



case, he is in custody since 18.09.2019.

Learned APP for the State has opposed the prayer.

Considering the rival submissions, this Court is inclined to accept the submission of the petitioner's Senior Counsel.

Let the petitioner above named be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge II -cum- Special Judge, Excise Act, Begusarai in Mufassil Police Station Case No 28 of 2019 subject to the following conditions:

(1) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Madhuresh Prasad, J)

M.E.H./-

U		T	
---	--	---	--

