

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17822 of 2020

Arising Out of PS. Case No.-664 Year-2019 Thana- BEGUSARAI TOWN District- Begusarai

Kanhaiya Kumar (Male) aged about 22 years, S/o Bhagwan Mishra @
Bhgvn Mishra Resident of Mohalla-Marwari Mohalla, Pipar Gali, Ratanpur,
Ward No.22, P.S.-Town, District-Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate
For the State : Mr. Md. Arif, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL ORDER

2 13-05-2020 The matter has been listed and heard *vide* video conferencing in view of the lock-down imposed on account of the COVID-19 pandemic.

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner is in custody in connection with Town PS Case No. 664 of 2019 dated 10.11.2019 instituted under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

4. The allegation against the petitioner is that from his house 13.125 litres of foreign liquor, kept in plastic bag, was



recovered.

5. Learned counsel for the petitioner submitted that on the basis of the statement of arrested co-accused the police had come to the house of the petitioner and alleged recovery has been made. It was submitted that the petitioner lives jointly with others in the house and no recovery has been made from his exclusive and conscious possession. It was further submitted that the petitioner has no other criminal antecedent and is in custody since 23.01.2020.

6. Mr. Md. Arif, learned APP submitted that recovery has been made from the house of the petitioner.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge II-cum-Special Judge, Bihar Prohibition and Excise Act, Begusarai in Town PS Case No. 664 of 2019, subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an



undertaking to the Court that he shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

Anjani/P. Kumar

