

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23931 of 2020

Arising Out of PS. Case No.-49 Year-2020 Thana- BIHPUR District- Bhagalpur

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KANHAIYA CHOUDHARY @ ANUJ KUMAR Son of Shree Deepnarayan
Choudhary Resident of Village - Jhandapur, P.S.- Bihpur (Jhandapur), Distt.-
Bhagalpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhay Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Madan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 17-09-2020 Heard Mr. Abhay Kumar Sinha, learned counsel for

the petitioner and Mr Madan Kumar, Additional Public

Prosecutor for the state through video conferencing.

Petitioner seeks regular bail in connection with

Bihpur (Jhandapur) PS Case No. 49/2020 registered for the

offence punishable under Sections 30(a)/38(1) of Bihar

Prohibition & Excise Act, 2016.

The allegation against the petitioner as per First

Information Report is that the police on the basis of confidential

information arrested three accused persons, namely, Santosh

Kumar, Chandan Kumar and Mukesh Yadav along with illicit

liquor. It is further alleged that these three arrested accused

disclosed that the petitioner is also involved in this business and



indulged in home delivery of illegal wine.

Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has got no criminal antecedent. Learned counsel further submits that no illicit liquor has been recovered from the conscious possession of the petitioner.

Learned counsel for the petitioner further submits that similarly situated co-accused, namely, Santosh Kumar, Chandan Kumar and Mukesh Yadav has been granted bail by this court in Cr. Misc. Nos. 14296/2020, 13624/2020 and 19583/2020 respectively. The petitioner is in custody since 05.06.2020.

Having regard to the submissions made by the parties and taking into consideration the material on record and the fact that no illicit liquor has been recovered from the conscious possession of the petitioner and similarly situated co-accused has been granted bail by this Court, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, KANHAIYA CHOUDHARY @ ANUJ KUMAR be released on bail, if he is not required in any other case, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions



Judge-II-cum-Special Judge, (Excise Act) Bhagalpur in
connection with Bihpur (Jhandapur) PS Case No. 49/2020.

It is made clear that at the time of furnishing bail
bonds, all the parties shall follow the guidelines regarding
lockdown and social distancing.

(Anil Kumar Sinha, J)

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