

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.18595 of 2021**

Arising Out of PS. Case No.-530 Year-2020 Thana- BEGUSARAI TOWN District- Begusarai

KANHAIYA SINGH @ KANHAIYA KUMAR SINGH S/O LATE
KAPILDEO SINGH R/O VILLAGE-HAREKH, WARD NO 12, P.S.-TOWN,
DISTRICT-BEGUSARAI.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 29-07-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Md. Fahimuddin, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Town P.S. Case No. 530 of 2020 dated 6.10.2020 G.R. No. 1011 of 2020 for the offences registered under Section 30(A) of Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that as per the prosecution story, on getting secret information the SI Alamgir reached the house of petitioner and saw that some persons tried to escape. One person had been caught and on inquiry he disclosed his name as Ram Kishore Singh. On search police have been recovered

1800 bottle of 375 of Imperial Blue foreign liquor, 432 bottle of 180 ml of Imperial Blue foreign liquor and 120 bottle of 375 ml of Royal Stag whisky from the joint house of Ram Kishore Singh and Kanhaiya Singh.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner is in custody since 23.11.2020.

Learned APP for the State has though opposed the prayer for bail of the petitioner.

Having regard to the facts and circumstances of the case wherein the alleged recovery is said to have been made from the house of the petitioner however it is submission of learned counsel for the petitioner that the seizure list witnesses are not independent witnesses and it is a case of false implication, the petitioner has remained in jail in connection with this case since 23.11.2020, investigation against him is complete, he has got two criminal antecedent, this Court directs release of the petitioner on bail **after completion of nine months of custody in this case** on furnishing of bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge Excise, Begusarai in connection with Town P.S. Case No. 530 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:

(a) That such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) That such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which is suspected, and

(c) that such persons shall not directly or indirectly make and inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that 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 above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

SONALI/-

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

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.