

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38951 of 2021

Arising Out of PS. Case No.-92 Year-2020 Thana- KANHHAULI District- Sitamarhi

Shiv Nandan Baitha S/O Raktu Baitha R/O Village- Ramnagra, P.S.-
Kanhhauli, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ayush Kumar

For the Opposite Party/s : Ms. Suman Kumari Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 17-09-2021 Heard learned counsel for the petitioner and learned A.P.P. for
the State through virtual court proceedings.

Learned counsel for the petitioner undertakes to remove the defects, as pointed out by the office, within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Kanhuli P.S. Case No. 92 of 2020 registered for the offence punishable under Section 30 (a) of the Bihar Prohibition and Excise Act.

It is submitted by learned counsel for the petitioner that no incriminating article has been recovered from the conscious physical possession of the petitioner rather 174.900 liters of Nepali Saufi Wine is said to have been recovered orchard which is not belongs to the petitioner. He has no concern either with the seized liquor or the



place of recovery or any trade of liquor. He submits that petitioner is contesting the Mukhiya election and the rival candidate in connivance with the police personnel falsely implicated the petitioner to tarnish the image of the petitioner. Petitioner has nine criminal antecedents as has been mentioned in para-3 of the present petition and he is languishing in custody since 06.02.2021.

Petitioner is agreed to deposit a sum of Rs. 10,000/- (Rupees Ten Thousand) in the Chief Minister's Relief Fund, Bihar bearing Account No.2065104000002257, IFSC Code: IFSC Code: IBKL0002065, IDBI Bank, Kidwaipuri Branch, Patna.

Having regard to the facts and circumstances of case, let the above named petitioner, be released on bail, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending/successor court in connection with Kanhauli P.S. Case No. 92 of 2020 subject to following conditions:

(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding



for cancellation of bail on ground of misuse.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of Rs. 10,000/- (Rupees Ten Thousand) in the Chief Minister’s Relief Fund, Bihar.

(Anjani Kumar Sharan, J)

GAURAV S./-

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