

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35655 of 2020**

Arising Out of PS. Case No.-100 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Begusarai

KANHAIYA KUMAR, Son of Jay Jay Ram Singh, R/o - Chhoti Eghu, P.S.-
Begusarai Muffassil, Dist. - Begusarai ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Shubhesh Pandey, Adv.

For the Opposite Party : Mr. Shyam Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 16-04-2021 As prayed for, through video conferencing, let the learned counsel for the petitioner remove the defect(s), as pointed out by the office vide it's note, dated 16.12.2020, within four weeks of starting of the Court proceeding in physical mode properly.

Heard the parties through video conferencing.

The petitioner seeks pre-arrest bail in connection with Case No. 100 C-2 of 2020, registered under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The accusation is that on receiving secret information, the informant, being the Inspector of Excise Department, proceeded, along with police officials to ward no. 45 of village Bazidpur, where in a plot several bottles of Indian made foreign liquor in volume of 756 liters recovered,



concealing in maize straw, from where several persons, including the petitioner, succeeded to flee away.

Submission is that in fact, due to local dirty politics, petitioner was made accused in Begusarai Muffasil P.S. Case No. 301 of 2019 for offence under Section 414/34 of the Indian Penal Code, in which petitioner is on bail in that case. The police misused its power and misbehaved with the female family members of the petitioner regarding which Tunni Devi, mother of the petitioner lodged Complaint Case No. 1116 C of 2019 in the Court of the Chief Judicial Magistrate, Begusarai, against the police officials of Begusarai Muffasil Police Station, due to that reason the police officials of Begusarai Muffasil Police Station managed to implicate the petitioner. More over, it would appear from the prosecution report that the bottles of Indian made foreign liquor recovered from the field in Bazidpur while the petitioner is resident of village Chhoti Eghu.

Having regard to the facts and circumstances of the case, let the petitioner, above named, in the event of surrender/arrest, within a period of four weeks from today, in connection with Case No. 100 C-2 of 2020 shall be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like



amount each to the satisfaction of the Additional Sessions Judge
II-cum-Special Judge, Excise Act, Begusarai, or the successor
Court subject to the conditions as laid down under Section
438(2) Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

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