

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1630 of 2021

Arising Out of PS. Case No.-229 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Samastipur

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KANHAIYA KUMAR, son of Radheshyam Mahto Resident of Village-
Ekdera, Ward No.11, P.S.- Vibhutipur, District- Samastipur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Niranjana Kumar, Advocate

For the Opposite Party/s : Mrs. Indu Kumari Srivastava, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 10-03-2021 Heard Mr. Niranjana Kumar, learned Counsel for the

petitioner and Mrs. Indu Kumari Srivastava, learned Additional

Public Prosecutor for the State, through Video Conferencing.

This application, for grant of regular bail, arises out
of Excise Case No. 229 of 2020 (Computer Registration No.227
of 2020), disclosing offences under Section 30(a) of the Bihar
Prohibition and Excise (Amendment) Act, 2018.

The allegation, as per the First Information Report
is that one Swift desire car was intercepted by the police and
one of the occupant of the car, Rahul Kumar, succeeded in
fleeing away, however, the petitioner was arrested from the car
and upon search 133.20 litres of illicit liquor was recovered.

Learned counsel for the petitioner submits that the



petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case merely because he was sitting in the car. Learned counsel next submits that petitioner is not the owner of the car and he had taken lift in the car while returning from the feast. Learned counsel further submits that petitioner is in custody since 29.08.2020 and the chargesheet has already been submitted against the petitioner and there is no likelihood that the petitioner will abscond or tamper with the evidence.

Having regard to the submissions made by the parties and taking into consideration the materials on record and the fact that petitioner is not the owner of the car and he is in custody since 29.08.2020 having no criminal antecedent and the chargesheet has already been submitted in this case, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, Kanhaiya Kumar, be released on bail 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 and Sessions Judge-II-cum-Special Judge (Excise), Samastipur, in connection with Excise Case No. 229 of 2020 (Computer Registration No.227 of 2020).



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

(Anil Kumar Sinha, J.)

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