

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26787 of 2022

Arising Out of PS. Case No.-204 Year-2020 Thana- CHERIYA BARIYARPUR District-
Begusarai

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Kanhaiya Kumar, S/o Gulchand Sah, R/o village- Singhiya, P.S.- Singhiya,
District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raja Ram Mishra, Advocate

For the Opposite Party/s : Mrs. Veena Kumari Jaiswal, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 03-08-2022 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Raja Ram Mishra, learned counsel
appearing on behalf of the petitioner and the learned APP for the
State.

The petitioner seeks regular bail, who is in custody in
connection with Cheria Bariyarpur P.S. Case No. 204 of 2020
registered for the offence punishable under Section 30(a) of the
Bihar Prohibition and Excise Act, 2016.

As per prosecution case, it is alleged that on a secret
information that some persons have kept huge quantity of
foreign liquor, raided the house of one Abhishek Kumar @



Mintu Yadav and on search being made 636.480 litres of foreign liquor was recovered from a thatched house, near Hanuman temple. The apprehended person disclosed the name of this petitioner, as one of the associates.

It is submitted by the learned counsel for the petitioner that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from his person or possession. It is next submitted that the recovery has been made from the thatched house near Hanuman temple (adjacent to the house of Abhishek Kumar) and the petitioner has neither any concern with the alleged recovered illicit liquor nor with the accused persons. It is lastly submitted that the petitioner is in custody since 18.02.2022 and the investigation of the crime is completed and charge-sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application.

Having regard to the submissions made on behalf of the parties and considering the fact that the name of the petitioner has been disclosed by the co-accused person, who was apprehended at the spot and apart from the disclosure there is no other incriminating material, which suggests the complicity of the petitioner in the present case and he is in custody since



18.02.2022, though the investigation of the crime is completed and charge-sheet has been submitted, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Excise Judge-I, Begusarai in connection with Cheriya Bariyarpur P.S. Case No. 204 of 2020, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail



bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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