

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46085 of 2021

Arising Out of PS. Case No.-117 Year-2021 Thana- BALIYA District- Begusarai

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KANHAIYA KUMAR @ VIJAY KUMAR S/o Ramrajan Rai Resident of
Village- Sahpur Diyara, P.S.- Ballia, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sada Nand Roy, Adv.

For the Opposite Party/s : Mr.Arun Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 21-09-2022 Heard the parties.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

Petitioner apprehends his arrest in connection with a case registered for the offence punishable u/s 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

Altogether 1215 litres of foreign liquor is said to have been recovered from house (*dera*) of Raushan Rai. It is alleged that petitioner on seeing the police fled from the spot.

Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence as alleged in the FIR. Petitioner has been falsely implicated in this case at



the instance of his enemies. His name transpired in this case on the basis of disclosure of his name by local chowkidar. Petitioner has neither been apprehended on the spot nor any incriminating article has been recovered from his conscious physical possession. He has no concern either with the seized liquor or any trade of liquor or the place of recovery. Petitioner is only the brother of co-accused but has nothing to do with the illicit recovery of liquor. There is no compliance of section 100 of the Cr.P.C. Petitioner has one criminal antecedent of similar nature of offence, as also mentioned in para-3 of the bail application.

Petitioner is agreed to deposit a sum of Rs.30,000.00/- (Rupees Thirty Thousand) in the Bihar State Legal Services Authority, Budh Marg, Patna bearing Account No.0380000100252472, IFSC PUNB0038000, Punjab National Bank.

Considering the aforesaid facts and circumstances, let the petitioner, named above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail, on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned



Court below, where the case is pending/Successor court, in connection with Ballia P.S. Case No. 117 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, as also the following conditions.

(1) That one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to how he is related with the petitioner. He 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 implicated in any other case of similar nature and thereafter the Court below will be at liberty to initiate proceeding for cancellation of anticipatory bail on the ground of misuse.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of Rs.30,000.00/- (Rupees Thirty Thousand) in the Bihar State Legal Services Authority.

(Anjani Kumar Sharan, J)

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