

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40100 of 2022

Arising Out of PS. Case No.-33 Year-2022 Thana- KARANDAY District- Sheikhpura

KANHAIYA KUMAR S/O LATE SUNIL KUMAR Resident of Village-
Ghoghsa, P.S.- Halsi and District- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nilendu Kumar Choudhary

For the Opposite Party/s : Mr.Asha Kumari

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 05-08-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with Excise
Case No. 307 of 2022 arising out of Karandey P.S. Case No. 33
of 2022 registered for the offences punishable under Sections
272 and 273 of the Indian Penal Code and Section
30(a)/32/41(1) of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, there is alleged recovery
of 53.07 litres liquor from tempo in question and 1.80 litres
from scooty in question. The petitioner is apprehended on spot,
however, one person is managed to flee away.

Learned counsel for the petitioner submits that



petitioner is in custody since 11.06.2022. Petitioner bears no criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that nothing has been recovered from the conscious possession of the petitioner. The recovery has been made from tempo which admittedly does not belong to the petitioner. Petitioner has no concern either with the seized liquor or the vehicle in question. There is no proper compliance of Section 100 of the Cr.P.C.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, keeping in view clean antecedent of the petitioner and also taking into consideration the material available on record, let the petitioner above named 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 learned 2nd Addl. District and Sessions Judge, Sheikhpura in connection with Excise Case No. 307 of 2022 arising out of Karandey P.S. Case No. 33 of 2022, subject to



following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

amitkr/-

U		T	
---	--	---	--

