

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.58235 of 2021**

Arising Out of PS. Case No.-107 Year-2021 Thana- KANHAULI District- Sitamarhi

BINOD KUMAR Son of Birendra Sahani R/o village - Pipra Ghat, P.S. -  
Kanhauli, Dist. - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

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

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL ORDER**

4      19-05-2022                      Heard learned counsel appearing on behalf of the  
petitioner and learned APP for the State.

Let the defect(s) be removed within two weeks of the  
complete start of the physical Court in normal course.

Petitioner, who is in custody since 04.08.2021, seeks  
regular bail in connection with Kanhauli P.S. Case No. 107 of  
2021 registered for offences punishable under Section 30(a) of  
the Bihar Prohibition and Excise Act, 2018.

Allegation is of recovery of 198 litres of Nepali Saufi  
wine from bushes. Petitioner was apprehended on the spot.

Learned counsel appearing on behalf of the petitioner  
submits that petitioner is not involved in smuggling of the liquor  
neither such allegation is made in the FIR. Petitioner has clean  
antecedent and he has no concern with the liquor which has



been recovered near the bushes. Petitioner is in custody since 04.08.2021.

Learned A.P.P., for the State has opposed the prayer for grant of bail to the petitioner. He further submits that trade of illicit liquor is rampant in the State of Bihar and often hooch tragedy is being occurred due to consumption of illicit liquor by the people at large and as such petitioner is involved in heinous crime and he does not deserve to be released on bail.

Considering the nature of allegation made against the petitioner, without going into the merits of the case, the petitioner, above named, is directed to be released on bail upon furnishing bail bond of Rs. 100,000/- (Rupees One Lac) with two sureties of the like amount each to the satisfaction of learned A.D.J. II Cum Special Judge Excise Act, Sitamarhi in connection with Kanhauli P.S. Case No. 107 of 2021 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tampers with the evidence or the



witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

**(Purnendu Singh, J)**

Niraj/-

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