

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62469 of 2021**

Arising Out of PS. Case No.-408 Year-2020 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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KANHAIYA KUMAR Son of Jai Jai Ram Singh Resident of Village - Chhoti
Aghu, P.S.- Muffasil, Distt.- Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raj Kumar Sinha, Addvocate
For the Opposite Party/s : Mr.Madan Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 09-06-2022 Heard the learned counsel for the petitioner and

the learned APP for the State.

The petitioner seeks regular bail in connection
with Muffasil PS case no. 408 of 2020 instituted for the offences
punishable under Sections 120(B) of the Indian Penal Code
and 30(a) of Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 39.675
liters of illicit liquor from near the road in question. It is also
alleged that upon inquiry from the co-villager, it transpired that
the same belongs to the petitioner and one other co-accused
person.

The learned counsel for the petitioner has
submitted that the petitioner is innocent, has been falsely



implicated in the present case and is languishing in custody since 13.08.2021. The learned counsel for the petitioner has further submitted that only since the petitioner is having a bad antecedent and he is an accused in similar types of cases, he has been falsely implicated in the present case. It is also submitted that neither the petitioner was arrested from the spot nor any illicit liquor has been recovered from his conscious possession.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that neither any illicit liquor has been recovered from the conscious possession of the petitioner nor the place from where the same has been recovered belongs to the petitioner nor the petitioner has been arrested from the spot, I deem it fit and proper to admit the petitioner to the privilege of bail.

Accordingly, the abovenamed petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of A.D.J. II-cum-Special Judge,



Excise Act, Begusarai in connection with Muffasil PS case no.
408 of 2020.

(Mohit Kumar Shah, J)

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