

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67533 of 2021**

Arising Out of PS. Case No.-403 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, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Rabindra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 29-07-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks from the date of
resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in
connection with Muffasil P.S. Case No. 403 of 2020 registered
for the alleged offences under Section 120(B) of the Indian
Penal Code and Section 30(a) of the Bihar Prohibition and
Excise Act.

As per prosecution case, total 587.130 litres of India
made foreign liquor was recovered from the land of the co-
accused Sanjay Singh. The name of the petitioner came up as a



person who along with co-accused persons have stored that liquor for selling the same.

The learned counsel for the petitioner submits that petitioner was not arrested from the spot and nothing incriminating has been recovered from the possession of the petitioner. The owner of that place, co-accused Sanjay Singh has been granted bail by a Co-ordinate Bench of this Court vide order dated 28.06.2021 passed in Cr. Misc. No. 19332 of 2021 and another co-accused Raju Kumar has been granted bail by another Co-ordinate Bench vide order dated 19.05.2022 passed in Cr. Misc. No. 63501 of 2021. Charge-sheet has been submitted and the petitioner is in custody since 31.08.2021. The petitioner has got seven cases against him but he is on bail in all those cases.

Learned APP opposes the prayer for bail submitting that there is involvement of this petitioner in the sale and purchase of liquor and the persons of the neighborhood also verified this fact.

Having regard to the submissions made on behalf of the petitioner and considering the submission of charge-sheet in the case along with period of his custody, the petitioner above named is directed to be released on bail on furnishing bail bond



of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Begusarai in connection with Muffasil P.S. Case No. 403 of 2020, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be the person who has sworn the affidavit on behalf of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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