

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65644 of 2022

Arising Out of PS. Case No.-293 Year-2021 Thana- BACHHWARA District- Begusarai

Kanhaiya Kumar Singh @ Kanhaiya Singh Son of Nagine Singh @ Prithviraj
Singh R/V- Chamtha Sanjhapur, P.S- Bachhwara Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arjun Prasad, Advocate

For the Opposite Party/s : Mr. Md. Anbzarul Haque Sahara, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 09-12-2022 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State

through virtual Court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with

Bachhwara P.S. Case No. 293 of 2021 registered for the offence

under Sections 188 and 120(B) of the Indian Penal Code and

Sections 30(a) and 41 of the Bihar Prohibition and Excise Act,

2016.

The accused/petitioner is named in the F.I.R. and is in

custody since 13.08.2022.

The allegation against the petitioner is to be involved

in illegal trading of illicit liquor, where 968.4 liters of foreign



liquor was recovered.

Learned counsel appearing on behalf of the petitioner submitted that recovery of illicit liquor was made from poultry farm of the petitioner, which is accessibly by other family members/general public and, as such, it is safe to suggest that recovery of illicit liquor was not made from the conscious physical possession of the petitioner. It is further submitted that seizure list appears doubtful being not supported by independent witnesses rather by police personnel. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State opposes the prayer of bail.

In view of the facts and circumstances, as mentioned above, as recovery of illicit liquor not appears to be made from conscious physical possession of the petitioner, who is a man of clean antecedent coupled with the fact that chargesheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Bachhwara P.S. Case No. 293 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten



Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Excise Court-I, Begusarai/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Ankit/-

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