

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72000 of 2022**

Arising Out of PS. Case No.-49 Year-2021 Thana- ALAMGANJ District- Patna

Kanhaiya Kumar @ Kanhaiya Kumar Singh, Son Of Indu Singh Resident Of
Mohalla- Nuruddinpur, P.O- Khushrupur (Bhojpur) P.S- Khushrupur, Dist-
Patna

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rana Baljit Singh

For the Opposite Party/s : Ms. Meena Singh

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 23-12-2022 Heard learned counsel for the petitioner and learned APP
for the State through video conferencing.

The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 420, 467, 468, 471 of the I.P.C. and Sections 30(a), 36 and 41(1) of the Excise Act, 2018.

The learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the allegation is of recovery of 1782 litres of liquor from a truck and 37.50 litres of liquor from another truck and 0.75 litre of liquor from a scooty.

The learned counsel for the petitioner submits that petitioner was not arrested from the spot, as such, nothing was recovered from his conscious possession. It is next submitted that he came to be implicated based on confessional statement of Shani Kumar in police custody which does not have any evidentiary value. It is also submitted that petitioner is neither the owner, nor the driver of the alleged vehicle.



Learned A.P.P. opposes the bail application.

Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 1,000/- (Rupees One Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Alamganj P. S. Case No.49 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

However, the learned trial Court before accepting the bail bonds of the petitioner shall verify whether any of the seized vehicle belongs to the petitioner or not and in the event, if it is found that the vehicle is registered in the name of the petitioner, then the present anticipatory bail order shall not be acted upon.

(Satyavrat Verma, J)

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