

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9466 of 2023

Arising Out of PS. Case No.-447 Year-2022 Thana- BARAUNI District- Begusarai

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Kanhaiya Rai @ Kanhaiya Kumar S/O Rajendra Rai @ Rajendra Ray R/v-
Simariya (Simaria), Ward No. 3, P.S.- Barauni (Chakiya OP), District-
Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam

For the Opposite Party/s : Mr. Bishweshwar Ram

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 03-05-2023 Heard Ld. counsel for the petitioner and Ld. APP

for the State.

The petitioner seeks bail in connection with Barauni

P. S. Case No. 447 of 2022, registered for the offences

punishable under Section 30(a) of the Bihar Prohibition and

Excise Act.

As per allegation, 219.54 litres of liquor was

recovered from a Tata Magic Van, bearing Registration No.

BR10GA-5548.

Ld. counsel for the petitioner submits that the

petitioner is innocent and has falsely been implicated in this

case. He further submits that nothing has been recovered



from the conscious possession of the petitioner. He also submits that the petitioner is the owner of the vehicle and he was not aware of the contents of the material loaded in the vehicle as he had given the vehicle to someone to use it for commercial purposes.

He further submits that the petitioner has been languishing in jail since 04.01.2023.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in two other cases.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Exclusive



Special Excise Judge-I, Begusarai, in connection with Barauni
P. S. Case No. 447 of 2022, on the following conditions:

(i) The petitioner will make himself available for
interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that
investigation/trial will not get hampered on account of his
absence or non-cooperation. He must be available to the
police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly
make any inducement, threat or promise to any person
acquainted with the facts of the case so as to dissuade him
from disclosing such facts to the court or to any police
officer.

(iv) In case, it is brought to the notice of the court
below that the petitioner has criminal antecedents other than
the disclosed one, Ld. court below shall cancel the bail bonds
of the petitioner after hearing him and getting satisfied that
the petitioner has concealed his criminal antecedents despite
his knowledge of the same.

(v) In case, it is brought to the notice of the court



below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

(vi) In case, the petitioner repeats offence of similar nature after enlargement on bail, his bail-bond will be cancelled by the court below.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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