

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41628 of 2023

Arising Out of PS. Case No.-7 Year-2023 Thana- SINGHIYA District- Samastipur

Kanhaiya Kumar Sahu @ Kanhaiya Kr Sahu @ Kanhaiya Sahu S/O Gulchan
Sahu R/O Ward No.-4, Singhia, P.S- Singhia, Distt.- Samastipur.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sarbottam Kumar Sarkar

For the Opposite Party/s : Mr.Surendra Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 05-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in anticipation of his arrest in
a case registered for the offences punishable under Section 30(a)
of the Excise Act, 2022.

The learned counsel for the petitioner submits that the
petitioner has antecedent of five cases and the allegation is of
recovery of 727.120 litres of liquor from the asbestos house of
Gultu Singh and one motorcycle was seized.

The learned counsel for the petitioner submits that
petitioner was not arrested from the spot, as such, nothing was
recovered from his conscious possession and he came to be
implicated based on confessional statement of Sonu Kumar and
Indrajeet Kumar Sahu in police custody, which does not have



any evidentiary value. It is further submitted that police in order to save the real culprit got him implicated through the apprehended accused persons. It is further submitted that petitioner is not the owner of the seized 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. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise- 1st, Samastipur in connection with Singhia P. S. Case No.07 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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