

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66051 of 2022

Arising Out of PS. Case No.-472 Year-2022 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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KANHAIYA KUMAR Son of Ram Balak Singh R/V- Vishanpur Chaturbhuj
(Vishnupur) Chaturbhuj, P.S- Muffasil, Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

with

CRIMINAL MISCELLANEOUS No. 66493 of 2022

Arising Out of PS. Case No.-472 Year-2022 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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SANJEEV KUMAR Son of Nawal Kishor Mahto @ Naval Kishor Mahto
R/V- Ratanpur, ward no. 21, P.S- Town (Ratanpur O.P) Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 66051 of 2022)

For the Petitioner/s : Mr. Sandip Kumar Gautam

For the Opposite Party/s : Mr. Binod Kumar

(In CRIMINAL MISCELLANEOUS No. 66493 of 2022)

For the Petitioner/s : Mr. Sandip Kumar Gautam



For the Opposite Party/s : Mr. Binod Kumar

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 20-01-2023 Heard Ld. counsel for the petitioners and Ld. APP
for the State.

The petitioners seek bail in connection with Muffasil
P.S. Case No. 472 of 2022, registered for the offences
punishable under Section 30(a) of Bihar Prohibition and
Excise Act, 2016.

As per allegation, total 382.530 litres of liquor was
recovered from a Bolero Car bearing Registration No.
BR09M-1117.

Ld. counsel for the petitioners submit that the
petitioners are innocent and have falsely been implicated in
this case. He further submits that nothing has been
recovered from the conscious possession of the petitioners.
He also submits the petitioners are neither the driver nor the
owner of the vehicle and thus they were not aware of the
content of the materials loaded in the vehicle. He further
submits that their name has transpired only in the
confessional statement of the other co-accused.



They further submit that the petitioners have been languishing in jail since 06.09.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner no. 1, namely, Kanhaiya Kumar has earlier been made accused in four other cases, whereas petitioner no. 2, namely, Sanjeev Kumar has no criminal antecedents.

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

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

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioners, above-named, to be enlarged on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Ld. Exclusive Special Excise Judge-I, Begusarai in connection with Muffasil P.S. Case No. 472 of 2022, on the following conditions:



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

(ii) The petitioners will undertake that investigation/trial will not hamper on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The petitioners 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 them 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 petitioners have criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bond of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their 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 bond of the petitioners.

Ld. counsel for the petitioners 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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