

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75518 of 2023

Arising Out of PS. Case No.-298 Year-2023 Thana- MOKAMAH District- Patna

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KANHAIYA KUMAR, aged about 30 years, Male, son SON OF
CHANDRIKA SINGH, Resident of Village- Sheonar Ps- Mokama Dist-
Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Ramesh Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 29-11-2023 Heard Mr. Manoj Kumar Pandey, learned counsel

appearing on behalf of the petitioner and Mr. Ramesh Chandra,

learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Mokama P.S. Case No. 298 of 2023 dated 27.07.2023
registered for the offence(s) punishable under Sections 30(a) of
the Bihar Prohibition and Excise Act and Sections 341, 323 and
353 of the Indian Penal Code.

3. As per the allegation made in the FIR, 1 litre of
country made illicit liquor was recovered from a motorcycle
bearing Registration No.BR-01FH-6169, allegedly belonging to
the petitioner.

4. Learned counsel appearing on behalf of the



petitioner submitted that petitioner is innocent and has been falsely implicated in this case. It is further submitted that no incriminating article has been recovered from the conscious possession of the petitioner and he has been made accused in this case, being the owner of the motorcycle, which was given by him to one of his relatives on the alleged day of occurrence and as such he has no concern with the seized liquor. It is lastly submitted that the petitioner has clean antecedent. Petitioner undertakes that he will not involve in criminal activities in future and to that effect, he is ready to file his personal affidavit along with two respectable persons of the village where he resides.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation and also the facts that petitioner has clean antecedent and recovery of illicit liquor has not been made from the conscious possession of the petitioner and petitioner is also ready to give his undertaking that he will not involve in criminal activities in future by filing affidavit along with two respectable persons of the village where he resides, I am of the opinion that petitioner has, *prima facie*, made out a case to be released on pre-arrest bail.



7. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Barh, District, Patna in connection with Mokama P.S. Case No. 298 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. The court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases, as what has been stated in paragraph no.3 of the bail application, this order will automatically lose its force.

(Purnendu Singh, J)

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