

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77762 of 2023

Arising Out of PS. Case No.-862 Year-2023 Thana- KAHALGAON District- Bhagalpur

Kanhaiya Kumar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Baijnath Sah, Advocate
For the State	:	Mr. Dashrath Mehta, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 04-12-2023 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Kahalgaon (Ghogha) P.S. Case No. 862 of 2023 instituted for the offence under Section 30(a) of the Bihar Prohibition and Excise Act 2016.

3. Prosecution story in brief is that on a written application given by the informant that one tempo loaded with illicit liquor is going via village Adarsh Nagar Filkiya to Ghogha Bazar. On receiving such information the police party had intercepted the said tempo bearing registration no. BR10PA2233 and upon checking 77.620 litres of Indian Made Foreign Liquor was recovered from the tempo.

4. It has been submitted on behalf of the petitioner



that the petitioner is in custody since 22-07-2023. Petitioner has no criminal antecedents.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. In fact, petitioner has no concern with the alleged illicit liquor.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, nature of allegation, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Kahalgaon (Ghogha) P.S. Case No. 862 of 2023 subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will



have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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