

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80287 of 2023**

Arising Out of PS. Case No.-39 Year-2023 Thana- MEHSI District- East Champaran

=====

KANHAIYA KUMAR @ KANHAI KUMAR Son of Vinya Sahani @
Ranvinay Sahani Resident of Bakhari Nazis, P.S. - Mehshi, District - East
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Rahul Singh, Adv.

For the Opposite Party/s : Mr.Shyam Bihari Singh, APP.

=====

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 14-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Section 30(a),
32(ii)(iii), 41(i)(ii) of the Bihar Prohibition & Excise Act.

3. Altogether 1088.64 foreign liquor has been recovered
from the orchard. One person was apprehended on the spot.

4. It is submitted by learned counsel for the petitioner
that petitioner is quite innocent and has committed no offence.
No incriminating article has been recovered from the conscious
physical possession of the petitioner. He has no concern either
with the seized liquor or place of recovery or any trade of
liquor. The allegation levelled against the petitioner is general



and omnibus in nature. He was not apprehended on the spot. He had not consumed liquor. He has been made accused in the present case merely on the basis of the confessional statement of the apprehended co-accused. Petitioner has no criminal antecedent as mentioned in para 3 of the bail application.

5. Petitioner is agreed to deposit a sum of Rs. 25,000.00 (Rupees Twenty Five Thousand) in account of Mahavir Cancer Sansthan, Patna, bearing Account No.3332964762, IFSC Code: CBIN0282779, MICR Code: 800016018, Central Bank of India, Chitkohra Branch, Patna.

6. Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six 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 Court below where the case is pending/successor Court in connection with Mehshi P.S. Case No. 39 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, subject to the further conditions that

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.



(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

7. The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of the aforesaid amount in Mahavir Cancer Sansthan, Patna.

(Anjani Kumar Sharan, J)

divyanshi/-

U		T	
---	--	---	--

