

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20866 of 2024

Arising Out of PS. Case No.-123 Year-2022 Thana- SURYAGARHA District- Lakhisarai

Kanhaiya Kumar @ Krishna Yadav Son of Jai Jai Ram Yadav Resident of
Village- Nista, P.S. Suryagarha, District- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rabi Bhushan

For the Opposite Party/s : Mr.Rabindra Kumar

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 19-03-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner is in custody in connection with Suryagarha P.S Case No. 123 of 2022 registered for the offences punishable under Sections 30(a) of Bihar Prohibition and Excise (Amendment) Act 2018.

3. As per prosecution case, total 25.500 litre illicit liquor was recovered from the open place.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case. It is further submitted that no incriminating article has been recovered from the conscious possession of the



petitioner. One of the petitioner has already granted bail by the Co-ordinate Bench of this Court vide order dated 01.02.2024 passed in Cr. Misc. No. 3925 of 2024. It is also submitted that petitioner is in judicial custody since 05.01.2024.

5. However, learned APP for the State oppose the prayer for regular bail of the petitioner.

6. On perusal of the FIR, impugned order and period of custody and also considering the aforesaid facts and circumstances of the case and submissions made on behalf of the petitioner, let the above named 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 learned Additional Sessions Judge-IV-cum-Exclusive Special Excise Court No. 1, Lakhisarai in connection with Suryagarha P.S Case No. 123 of 2022, subject to following conditions:

(1.) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.



(2.) Petitioner shall co-operate in the trial and shall be present on each and every date fixed by the Court and his absence on two consecutive dates without proper and reasonable reason will be sufficient to cancel his bail bonds.

(3.) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Ramesh Chand Malviya, J)

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