

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2197 of 2019

Arising Out of PS. Case No.-25 Year-2017 Thana- TARIYANI CHAPRA PS District-
Sheohar

=====

Kanhaiya Kumar @ Kanhaiya Singh Son of Vinod Singh Resident of Village -
Bishambharpur, P.S.- Tariyani Chhapra, District- Sheohar

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Devendra Kumar, Adv.
For the Respondent/s : Mrs. Abha Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 22-10-2024 Heard learned counsel for the appellant and learned
A.P.P. for the State.

2. The present appeal has been filed against the judgment and order dated 02.05.2019 and 03.05.2019 by which the appellant has been convicted under Section 30(a) of the Bihar Prohibition & Excise Act, 2016 passed by the 2nd Additional Sessions Judge-cum-Special Judge, Excise Act, Sheohar in Trial No. 385 of 2019 arising out of Tariyani Chhapra P.S. Case No. 25 of 2017, G.R. No. 789 of 2017 and sentenced to undergo rigorous imprisonment for five years and a fine of Rs.1,00,000/- and further awarded sentence one month in addition.

3. Learned counsel for the appellant, at the very

outset, does not challenge the judgment and order of conviction and he limits his argument to the punishment awarded to him, *i.e.*, to undergo imprisonment of five years.

4. Learned counsel for the appellant submits that the appellant has remained in custody in total for eleven months. It is further submitted that the appellant is not a habitual offender and this is the first offence committed by him.

5. In view of the aforesaid submission and considering the period of custody already undergone, this appeal is partly allowed by modifying the sentence. The sentence to undergo rigorous imprisonment for five years with a fine of Rs.1,00,000/- and further awarded sentence one month in addition is modified to that of the period already undergone by the appellant.

(Sandeep Kumar, J.)

sadique/-

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