

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58673 of 2024

Arising Out of PS. Case No.-33 Year-2024 Thana- DAWATH District- Rohtas

Kanhaiya Yadav @ Kanhaiya Kumar Son of Shri Bhagwan Yadav R/O Vill.-
Parmeshwarpur, P.S.- Dawath, Dist.- Rohtas.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mohit Shriwastava, Adv.

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 06-09-2024

1. Heard the parties.

2. Petitioner seeks regular bail in connection with Dawath P.S. Case No. 33/ 2024 dated 02.02.2024 registered for the offence(s) punishable under Section(s) 30(a) of the Bihar Prohibition & Excise Act.

3. Mr. Mohit Shrivastava, learned counsel for the petitioner submits that the petitioner was not apprehended with the alleged liquor and as per F.I.R., on the basis of information provided by a spy the petitioner and co-accused, Krishna Yadav @ Krishna Singh have been made accused and the said Krishna Yadav @ Krishna Singh has been granted bail by this court vide order dated 09.07.2024 passed in Cr. Misc. No. 41478 of 2024. Further submission is that the petitioner has been languishing in jail since 12.05.2024 and against him investigation has been completed though, there are criminal antecedents of four cases



against the petitioner but he is on bail in all the said cases.

4. Mr. Shyam Bihari Singh, learned APP appearing for the State opposes the bail prayer.

5. Heard both sides and perused the F.I.R as well as other relevant materials. Though, there are criminal antecedents of several cases against the petitioner but he is not said to have been arrested on the spot and in respect of his involvement in alleged crime of smuggling of alleged liquor the prosecution has mainly relied upon the information provided by a spy and the petitioner has taken the plea that he is not the registered owner of the vehicle from which the alleged liquor was seized and further one co-accused, Krishna Yadav @ Krishna Singh, who has also been made accused on the basis of the same information provided by a spy, has been granted bail, in my opinion, in the said circumstances the petitioner deserves to the privilege of bail. Accordingly, let the petitioner named-above be released on bail in connection with Dawath P.S. Case No. 33 of 2024 on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned.

(Shailendra Singh, J)

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