

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83493 of 2023

Arising Out of PS. Case No.-203 Year-2023 Thana- SINDHIYA District- Samastipur

Kanhaiya Sahu @ Kanhaiya Kumar Sahu Son Of Gulchan Sahu @ Gulachan
Sahu R/O Village- Singhiya, P.S.- Singhiya, Distict- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mahendra Pratap, Adv.

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 09-01-2024 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) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. It is submitted by learned counsel for the petitioner that no incriminating article has been recovered from the conscious physical possession of the petitioner rather 61.740 liters of foreign liquor is said to have been recovered behind the house of the co-accused persons Alok Sahu, Manish Sahu and Pappu Sahu. On a secret informant, the police found that the petitioner is also involved in the present case because petitioner has two criminal antecedent of similar nature. Petitioner was not apprehended on the spot. Petitioner has no



concern either with the seized liquor or any trade of liquor. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. Petitioner has been falsely implicated in this case because he is the owner of the poultry farm in question. Petitioner has two criminal antecedent of similar nature as mentioned in para-3 of this application.

4. Learned APP for the State opposes the prayer for bail of the petitioner.

5. Petitioner is agreed to deposit a sum of Rs.15,000.00 (Rupees Fifteen Thousand) in account of Mahavir Cancer Sansthan, bearing Account No.3332964762, IFSC Code: CBIN0282779, Central Bank of India, Chitkohra Branch.

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 Singhiya P.S. Case No. 203 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, subject to the further conditions that



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

(Anjani Kumar Sharan, J)

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