

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13649 of 2025

Arising Out of PS. Case No.-484 Year-2024 Thana- BUXAR District- Buxar

Kanhaiya Kumar @ Kanhaiya Yadav S/O Shri Bhagwan Yadav Resident of
village- Parmeshwarpur, P.S.- Dawath, District- 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. Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 05-03-2025 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. The accused/petitioner is named in the FIR and
apprehending his arrest in connection with Buxar (Town) P.S.
Case No.484 of 2024 registered under Section 30(a) of the
Bihar Prohibition and Excise (Amendment) Act, 2018.

3. Allegation against the petitioner is to engage in
illegal trade/manufacturing of illicit liquor, where there is
recovery of 561.24 liters of IMFL/country-made liquor.

4. It is submitted by learned counsel appearing for
petitioner that only being owner of the concerned vehicle
which was used for carrying consignment of illicit liquor, this



petitioner was implicated with present case. It is submitted that petitioner is not connected with alleged illicit liquor. It is pointed out that save and except suspicion, nothing survives against this petitioner and admittedly recovery of illicit liquor was not made from conscious physical possession of this petitioner. It is submitted that on the date of occurrence petitioner was in judicial custody in connection with Dawath P.S. Case No. 33 of 2024. While concluding argument, it is submitted that petitioner found involved in four more criminal cases as per para-3 of the petition, where in all the cases he is on bail.

5. Learned APP opposed the prayer of bail.

6. In view of aforesaid factual submissions and by taking note of fact as save and except suspicion arising out of disclosure made by co-accused, Santosh Kumar, nothing *prima facie* appears incriminating against this petitioner, where admittedly recovery of illicit liquor not appears to be made from conscious physical possession of this petitioner, accordingly, the petitioner, above-named, is directed to be released on bail, in the event of his arrest or surrender in the



court below within a period of four weeks, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise-1st, Buxar in connection with Buxar (Town) P.S. Case No.484 of 2024, subject to the conditions as laid down under Section 438(2) of the CrPC/under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

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