

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17059 of 2025

Arising Out of PS. Case No.-129 Year-2024 Thana- PRANPUR District- Katihar

Kanhaiya Sah @ Kisu Son of Ashok Sah Resident of Ghorabari, PS- Muffasil,
Distt.- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh

For the Opposite Party/s : Mr.Anil Prasad Singh

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 02-04-2025 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The present application is for grant of anticipatory bail, in connection with Pranpur P.S. Case No.129 of 2024 for offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. It would appear from the perusal of the First Information Report as also the seizure list, that a total recovery of 347.655 liters of foreign liquor has been recovered from a Swift Dezire car and a person, namely Raushan Kumar, was also arrested along with the said car. It is stated that the arrested person, Raushan Kumar, upon inquiry has disclosed the name of Kanaiya Shah, that is, this petitioner, as being involved in the liquor business.



4. Learned counsel for the petitioner submits that no recovery has been made from the conscious possession of the petitioner. It has been stated that the petitioner has no connection with the Swift Dezire car, which was seized at the scene of occurrence and his name has transpired only on the basis of disclosure by the co-accused Raushan Kumar. Learned counsel for the petitioner further submits that barring such disclosure statement, there is nothing more to connect the petitioner to the said seizure of the illicit liquor. Learned counsel for the petitioner also submits that in the circumstances, provisions of Bihar Prohibition and Excise Act, 2016, would not be applicable as against the petitioner and hence the bar under Section 76(2) of the said Act would not act as an impediment to grant of anticipatory bail.

5. Learned APP, however, points out that the petitioner is an accused in six other cases, out of which three cases are of the similar nature. However, learned counsel for the petitioner submits that he is on bail in all the cases filed against him.

6. Considering the above facts and circumstances, let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released



on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge, Exclusive Excise Court No.2, Katihar, in connection with Pranpur P.S. Case No.129 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure/Section 482 (2) of the B.N.S.S., 2023 and and subject to the further condition that:-

(i) the petitioner shall co-operate in the investigation/trial.

(ii) the learned Court would, however, verify the criminal antecedent of the petitioner before releasing him on bail.

(iii) one of the family member/relative of the petitioner shall stand surety.

(Soni Shrivastava, J)

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