

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43612 of 2025

Arising Out of PS. Case No.-259 Year-2024 Thana- BASANTPUR District- Siwan

Kanhaiya Pandey S/o Shri Rajdev Pandey R/o Village- Kapiya Nizamat, P.S.-
Maharajganj, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Sanjay Kumar Singh, Advocate
For the State	:	Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 22-08-2025 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. appearing on behalf of the State.

2. The petitioner seeks bail in a case registered for the
offence punishable under Sections 30(a), 33, 38(2) and 41(i) of
the Bihar Prohibition and Excise Act.

3. As per prosecution case, 2075 litres spirit was
recovered from the seized pickup vehicle of which this
petitioner is registered owner.

4. It is submitted by learned counsel for the petitioner
that petitioner is quite innocent and has committed no offence.
No incriminating article has been recovered from conscious
possession of this petitioner and has been made an accused in
this case merely because he happens to be owner of the vehicle
in question. It is further submitted that without the knowledge



and consent of this petitioner, the illicit spirit was being transported in his vehicle. Moreover, charge-sheet has already been submitted and petitioner is in custody since 15.01.2025.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the nature of accusation, the fact that no incriminating article has been recovered from conscious possession of this petitioner and period of custody, the prayer for grant of bail to the petitioner is allowed.

7. Accordingly, let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 1, Siwan in connection with Basantpur P.S. Case No. 259 of 2024.

(Prabhat Kumar Singh, J)

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