

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5395 of 2020

Arising Out of PS. Case No.-278 Year-2019 Thana- MUSAHARI District- Muzaffarpur

1. Sanoj Sah, aged about 37 years, Son of Late Bhonu Sah Resident of Village - Budhnagra Radha, P.S.- Mushahri, District- Muzaffarpur
2. Punit Sah, aged about 31 years, Son of Late Baidath Sah Resident of Village - Budhnagra Radha, P.S.- Mushahri, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Pandey

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL ORDER

2 29-02-2020 Heard learned counsel for the petitioners and learned counsel for the State.

In this case, the petitioners are apprehending their arrest in connection with Mushahri P.S. Case No. 278 of 2019 registered for offences under sections 30(a), 36, 38 of the Bihar Prohibition and Excise Act.

As per prosecution case, on receipt of secret information, the police has recovered 7.155 litres of English wine of different quality which was concealed by the petitioners under the earth.

The petitioner has got no criminal antecedent as has been stated in paragraph no.3 of the present bail application.



Looking to the quantity of liquor recovered as also considering the entire facts and circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Muzaffarpur in connection with Mushahri P.S. Case No. 278 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also subject to condition that whenever the police will call the petitioners for investigation/interrogation, they will remain present and if they would not present themselves, the privilege of grant of anticipatory bail shall be deemed to have been canceled. It is also made clear that if the petitioners repeat the similar offence in future, the prosecution will be at liberty to file an application for cancellation of the bail.

However, at the time of accepting bail bonds, the court below will verify and ensure itself regarding criminal antecedent of the petitioners and if it is found that the petitioners have clean antecedent, their bail bond will be accepted but, if it is found that the petitioners are involved in any other case



before filing of the present case i.e. 24.1.2020, then they would
not be released.

(Shivaji Pandey, J)

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