

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12712 of 2021

Arising Out of PS. Case No.-102 Year-2020 Thana- SAKRA District- Muzaffarpur

1. Arun Kumar @ Arun Paswan Son of Shashi Bhushan Paswan Resident of Village - Hasanpur Bagahi, P.S.- Sakra, District - Muzaffarpur.
2. Alok Paswan @ Alok Kumar Paswan Son of Shashi Bhushan Paswan Resident of Village - Hasanpur Bagahi, P.S.- Sakra, District - Muzaffarpur.
3. Heera Pandey @ Rajesh Kumar Pandey Son of Gongotri Pandey Resident of Village - Hasanpur Bagahi, P.S.- Sakra, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, Advocate
For the Opposite Party/s : Mr. Dilip Kumar No.1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 03-12-2021 At the outset, learned counsel for the petitioners submits that petitioner no.1 has already been arrested by the police, therefore, this application has become infructuous so far as petitioner no.1 is concerned and he may be permitted to withdraw this application filed on behalf of petitioner no.1.

Prayer is allowed.

This application is dismissed as withdrawn so far as petitioner no.1 is concerned.

Heard learned counsel for the petitioners and learned APP for the State for consideration of anticipatory bail of petitioners no.2 and 3.

Learned counsel for the petitioners undertakes to



remove the defects within three weeks. In the eventuality of non-removal of the defects within undertaken period, the office will place the matter before the Bench.

Petitioners no.2 and 3 apprehend their arrest in Sakra P.S. Case No.102 of 2020, registered for the offences punishable under Sections 420, 467, 468, 272, 273, 34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. It is further submitted that there is no recovery from the conscious possession of the petitioner rather 2188.800 litres of foreign liquor was recovered from a truck.

Learned APP for the State opposed the prayer for anticipatory bail of the petitioners.

Petitioners are agreed to deposit a sum of Rs.2,00,000/- (rupees two lakhs) in the Chief Minister Relief Fund, Bihar, bearing Account No. 2065104000002257, IFSC IBKL 0002065, IDBI Bank, Kidwaipuri Branch, Patna.

Taking into consideration the facts that there is no recovery from conscious possession of the petitioners and petitioners are ready to deposit Rs.2,00,000/- in the C.M. Relief fund, let petitioners no.2 and 3, above named, in the event of their arrest or surrender before the learned court below within a period



of six weeks from the date of receipt of this order, be enlarged on bail on furnishing bail bonds of Rs.25,000/- (rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Muzaffarpur in connection with Sakra P.S. Case No.102 of 2020, subject to the conditions:

(1) Laid down under Section 438(2) of the Cr.P.C.

(2) One of the bailors would be close relative of the petitioners having sufficient immovable properties, who will file an affidavit stating his relationship with the petitioners.

(3) If the petitioners indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of their bail bonds.

(4) The bail bond of the petitioners shall be accepted by learned court below on showing receipt of deposit of Rs.2,00,000/- (rupees two lakhs) in the Chief Minister Relief Fund Bihar.

(Anjani Kumar Sharan, J.)

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