

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18323 of 2021**

Arising Out of PS. Case No.-771 Year-2020 Thana- AHYAPUR District- Muzaffarpur

Ganesh Sahani Son Of Lakshmi Sahani Resident of Village - Patiyasa Jalal,
P.S.- Ahiyapur, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Kumar Anand

For the Opposite Party/s : Mr. Tapeswar Sharma

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 30-06-2021 Heard learned counsel for the petitioner and learned A.P.P. for
the State through virtual court proceedings.

Learned counsel for the petitioner undertakes to remove the defects, as pointed out by the office, within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Ahiyapur P.S. Case No. 771 of 2020 registered for the offence punishable under Sections 272, 273 of the Indian Penal Code, Sections 30 (a) and 36 of the Bihar Prohibition and Excise Act & Section 20, 22 of NDPS Act.

It is submitted by learned counsel for the petitioner that no incriminating article has been recovered from the conscious physical possession of the petitioner rather 26 liters of country made liquor and 2 Kg of Ganja is said to have been recovered from the accused



persons. He has no concern either with the seized liquor or the place of recovery or any trade of liquor. He submits that from perusal of the FIR it is clear that nothing has been recovered from the conscious possession of the petitioner, but he has been implicated in this case only on confessional statement of the co-accused persons. Petitioner has no criminal antecedent as has been mentioned in para-3 of the present petition and has been languishing in custody since 09.10.2020.

Petitioner is agreed to deposit a sum of Rs. 5.000 (Rupees Five Thousand) in the PM Cares fund, bearing Account No.2121PM20202, IFSC Code: SBIN 0000691, SWIFT Code: SBININBB104, State Bank of India, New Delhi Main Branch, UPI ID : pmcares@sbi.

Having regard to the facts and circumstances of case, let the above named petitioner, be released on bail, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Ahiyapur P.S. case No. 771 of 2020 subject to following conditions:

(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform



the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of Rs. 5000 (Rupees Five Thousand) in the PM Cares fund.

(Anjani Kumar Sharan, J)

GAURAV S./-

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