

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35459 of 2021**

Arising Out of PS. Case No.-149 Year-2020 Thana- MUSAHARI District- Muzaffarpur

1. BECHAN SAHANI Son of Jugeshwar Sahani @ Jhalak Sahani @ Jhalaph Sahani Resident of Village - Bishunpur Jagdish, P.S.- Mushahari, District - Muzaffarpur.
2. Rajesh Sahani Son of Bechan Sahani Resident of Village - Bishunpur Jagdish, P.S.- Mushahari, District - Muzaffarpur.

... .. Petitioners.

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Manoj Kumar Manoj
For the Opposite Party/s :	Mr. Lakshmikant Sharma

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN

ORAL ORDER

2 21-12-2021 Heard learned counsel for the petitioners and learned
APP for the State.

Learned counsel for the petitioners seeks permission to withdraw this application in respect of petitioner no.1 submitting that during pendency of this application he has been arrested.

Permission is granted.

Accordingly, this application is dismissed as withdrawn in respect of petitioner no.1.



Now, this application is only in respect of petitioner no.2.

Heard learned counsel for petitioner no.2 and learned A.P.P. for the State.

Learned counsel for the petitioner undertakes to remove the defects within four weeks. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

Petitioner no.2 apprehends his arrest in a case registered for the offences punishable under Sections 272 & 273 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

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 14 liters of country made liquor is said to have been recovered from back side of joint and common house of 20 persons. He has no concern either with the seized liquor or the place of recovery or any trade of liquor. He has been falsely implicated in this case at the instance of his enemy by planting the aforesaid recovery. The place of recovery is an open place and easily accessible to any one. Petitioner has no criminal



antecedent as mentioned in para-3 of this application.

Petitioner no.2 is agreed to deposit a sum of Rs.20,000.00 (Rupees Twenty Thousand) in Patna High Court Legal Services Committee, Patna, bearing Account No.1413010060836, IFSC Code: PUNB141320, Punjab National Bank, Bar Council Branch, Patna.

Having regard to the facts and circumstances of the case, let the above named petitioner no.2, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, 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/successor Court in connection with Mushahari P.S. Case No. 149 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, subject to the further conditions that

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of



Rs.20,000.00 (Rupees Twenty Thousand) in the Patna High
Court Legal Services Committee, Patna.

(Anjani Kumar Sharan, J)

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