

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34476 of 2021**

Arising Out of PS. Case No.-19 Year-2021 Thana- KAJI MUHAMMADPUR District-
Muzaffarpur

SHIVJI SAH Son of Late Sukhsagar Sah Resident of Village - Aamgola Kali
Mandir, Distt.- Kazi Mohammadpur, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raju Kumar

For the Opposite Party/s : Mr. Ramchandra Sahni

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

2 21-08-2021 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 Kazi
Mohammadpur P.S. Case No. 19 of 2021 registered for the offence
punishable under Section 30 (a) of the Bihar Prohibition and Excise
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 30 liters of illegal country made



wine is said to have been recovered from the hut situated under the land of *Bengali Sansthan*. He has no concern either with the seized liquor or the place of recovery or any trade of liquor. He submits that the alleged place of recovery was not belongs to the petitioner. He has been falsely implicated in this case by the police due to some altercation to save the real culprits. Petitioner has two similar nature of offence against him as has been mentioned in para-3 of the present petition and he is languishing in custody since 16.03.2021.

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/successor court in connection with Kazi Mohammadpur P.S. Case No. 19 of 2021 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. 5,000/- (Rupees Five Thousand) in the PM Cares fund.

(Anjani Kumar Sharan, J)

GAURAV S./-

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