

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52261 of 2021

Arising Out of PS. Case No.-128 Year-2021 Thana- AGIAON BAZAR District- Bhojpur

1. MANISH SAH SON OF LATE BATESHWAR SAH R/O VILLAGE- AND P.S.- AGIAON BAZAR, DISTRICT- BHOJPUR
2. RANJIT SAH SON OF BHARAT SAH R/O VILLAGE- AND P.S.- AGIAON BAZAR, DISTRICT- BHOJPUR

... .. Petitioners.

Versus

The State of Bihar.

... .. Opposite Party.

Appearance :

For the Petitioner/s : Mr. Suraj Narain Yadav, Advocate.

For the Opposite Party/s : Mrs. Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 13-09-2021 Heard learned counsel for the petitioners and learned
APP for the State through virtual Court proceedings.

This case has been heard on priority basis on the mentioning slip filed by learned counsel for the petitioners stating that petitioner no.1 Manish Sah has to appear in the examination of B.E. Mechanical Engineering, which is scheduled from 14.09.2021 and, in support thereof, he has filed copies of two documents.

Learned counsel for the petitioners 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 petitioners seek bail in a case registered for the



offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

217.5 liters of foreign liquor is said to have been recovered from the house of the co-accused Mukesh Kumar and the petitioners are said to be members of the syndicate.

It is submitted by learned counsel for the petitioners that no incriminating article has been recovered from the conscious physical possession of the petitioners. They have no concern either with the seized liquor or the place of recovery or any trade of liquor. They have been falsely implicated in this case by the co-accused due to malice and dirty village politics. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. Petitioners have been languishing in custody since 30.07.2021.

Petitioners are agreed to deposit a sum of Rs.10,000.00 (Rupees Ten Thousand) **each** in the Chief Minister's Relief Fund, Bihar, bearing Account No.2065104000002257, IFSC IBKL0002065, IDBI Bank, Kidwaipuri Branch, Patna.

Considering the facts aforesaid, the above named petitioners are directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court



in connection with Excise Case No.1133 of 2021, arising out of
Agiapon Bazar P.S. Case No.128 of 2021, subject to the
following conditions:

(1) that one of the bailors will be a close relative of
the petitioners, who will give an affidavit giving genealogy as to
how he is related with the petitioners. He will also undertake to
inform the Court if there is any change in the address of the
petitioners.

(2) that the bailor shall also state on affidavit that he
will inform the Court concerned if the petitioners are implicated
in any other case of similar nature after their release in the
present case and thereafter the Court below will be at liberty to
initiate proceeding for cancellation of bail on the ground of
misuse.

The bail bond of the petitioners shall be accepted by
the learned Court below on showing receipt of deposit of
Rs.10,000.00 (Rupees Ten Thousand) **each** by the petitioners in
the Chief Minister's Relief Fund, Bihar.

(Anjani Kumar Sharan, J.)

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