

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2077 of 2022

Arising Out of PS. Case No.-125 Year-2021 Thana- CHACKMEHSI District- Samastipur

1. JITENDRA MAHTO Son of Shankar Mahto Resident of Village - Saidpur, Police Station- Chakmehsi, District - Samastipur.
2. SHANKAR MAHTO Son of Late Shri Chand Mahto Resident of Village - Saidpur, Police Station- Chakmehsi, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar, Advocate.

For the Opposite Party/s : Mr. Md. Shakir Ahmad, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 01-07-2022 Heard the parties.

Learned counsel for the petitioners is directed to remove the defects within four weeks. In the eventuality of non-removal of defects within the stipulated period, office will place the matter before the Bench.

Petitioners apprehend their arrest in connection with a case registered for the offence punishable under section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2016.

Altogether 2 liters of country made wine is said to have been recovered from the basic school in Gachhi. It is alleged that petitioners are the person who fled away from the spot.

Learned counsel for the petitioners submits that



petitioners are quite innocent and have not committed any offence as alleged in the FIR. Petitioners have been falsely implicated in this case at the instance of their enemies. Petitioners have neither been apprehended on the spot nor any incriminating article has been recovered from their conscious physical possession. Allegation against them is that seeing the police, they fled away from the spot. They have no concern either with the seized liquor or any trade of liquor. There is no compliance of section 100 of the Cr.P.C. Petitioner no.1 has no criminal antecedent and petitioner no.2 has one criminal antecedent of similar nature, as also mentioned in para-3 of the bail application.

Petitioners are agreed to deposit a sum of Rs. 5,000.00/- (Rupees Five Thousand) each in the Patna High Court Legal Services Committee, Patna bearing Account No.1413010060836, IFSC PUNB0141320, Punjab National Bank, Bar Council Branch, Patna.

Considering the aforesaid facts and circumstances, let the petitioners, named above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory 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 the learned Court below, where the case is pending/Successor court, in connection with Chakmehsi P.S. Case No.125 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, as also the following conditions.

(1) That one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to how he is related with the petitioner. He 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 implicated in any other case of similar nature and thereafter the Court below will be at liberty to initiate proceeding for cancellation of anticipatory bail on the ground of misuse.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of Rs.5,000.00/- (Rupees Five Thousand) each in the Patna High Court Legal Services Committee.

(Anjani Kumar Sharan, J)

pallavi/-shikha

U		T	
---	--	---	--

