

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11137 of 2022**

Arising Out of PS. Case No.-125 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Nalanda

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HIRA SAW Son of Late Munshi Saw Resident of Village- Muzaffarpur, P.S.-
Nalanda, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Indu Shekhar Dwivedi, Adv
For the Opposite Party/s : Mr. Nityanand, APP

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

2 22-07-2022 Heard the parties through virtual court proceedings.

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

Petitioner apprehends his arrest in connection with a case registered for the offence punishable u/s 30(a) of the Bihar Prohibition and Excise Act, 2016.

Altogether 97.20 litres of foreign liquor is said to have been recovered from the abandoned house of the petitioner.

Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence as alleged in the FIR. Petitioner has been falsely implicated in this case at



the instance of his enemies. His name transpired in this case on the basis that he is the owner of the abandoned house. Petitioner has neither been apprehended on the spot nor any incriminating article has been recovered from his conscious physical possession. He has no concern either with the seized liquor or any trade of liquor. He further submits that the petitioner is an old age person and has moved to a different place long time back. Petitioner has no criminal antecedent, as also mentioned in para-3 of the bail application.

Petitioner is agreed to deposit a sum of Rs. 10,000.00/- (Rupees Ten Thousand) 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 petitioner 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) with two sureties of like amount each to the satisfaction of learned Court below, where the case is pending/Successor court, in connection with Complaint Case No.125(c) 3 Ex/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.10,000.00/- (Rupees Ten Thousand) in the Patna High Court
Legal Services Committee.

(Anjani Kumar Sharan, J)

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