

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13614 of 2022

Arising Out of PS. Case No.-527 Year-2021 Thana- UDWANTNAGAR District- Bhojpur

1. BIJENDRA SINGH Son of Dadan Singh Resident of Village - Asani, P.S. Udwanthnagar, District - Bhojpur (Ara).
2. Upendra Singh Son of Brahamdeo Singh Resident of Village - Asani, P.S. Udwanthnagar, District - Bhojpur (Ara).
3. Ajit Yadav Son of Ram Sevak Yadav Resident of Village - Asani, P.S. Udwanthnagar, District - Bhojpur (Ara).
4. Ramesh Yadav Son of Bharat Yadav Resident of Village - Asani, P.S. Udwanthnagar, District - Bhojpur (Ara).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Malti Kumari, Adv

For the Opposite Party/s : Mr. Md. Anbzarul Haque Sahara, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 29-07-2022 Heard the parties.

Learned counsel for the petitioners 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.

Petitioners apprehend their arrest in connection with a case registered for the offence punishable u/s 30(a) of the Bihar Prohibition and Excise Act.

Altogether 160 litres of country made wine is said to have been recovered from the bank of a river. Allegation against the



petitioners is that after seeing the police the petitioners fled away.

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 his enemies. Petitioners has neither been apprehended on the spot nor any incriminating article has been recovered from his conscious physical possession. They have no concern either with the seized liquor or any trade of liquor. Petitioners have no criminal antecedent, as also mentioned in para-3 of the bail application.

Petitioners are agreed to deposit a sum of Rs. 30,000.00/- (Rupees Thirty 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 their 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 Udwanthnagar P.S. Case No. 527 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 petitioners shall be accepted by the learned Court below on showing receipt of deposit of Rs.30,000.00/- (Rupees Thirty Thousand) each in the Patna High Court Legal Services Committee.

(Anjani Kumar Sharan, J)

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