

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22651 of 2022

Arising Out of PS. Case No.-20 Year-2022 Thana- DUMRA District- Sitamarhi

1. HALIMA KHATOON WIFE OF MD SALIM @ SALIM SHEKH R/O- VILLAGE- BARHARWA, WARD NO. 20, P.S.- DUMRA, DISTRICT- SITAMRHI (BIHAR)
2. MD. SALIM @ SALIM SHEIKH SON OF AJIM R/O- VILLAGE- BARHARWA, WARD NO. 20, P.S.- DUMRA, DISTRICT- SITAMRHI (BIHAR)
3. MD. SAKIL ALAM @ EKLAKH SON OF SALIM SHEKH @MD. SALIM R/O- VILLAGE- BARHARWA, WARD NO. 20, P.S.- DUMRA, DISTRICT- SITAMRHI (BIHAR)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shankar Kumar, Adv.
For the Opposite Party/s : Mr.Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 12-08-2022 Heard learned counsel for the petitioners and learned APP
for the State through virtual Court proceedings.

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 undertaken 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 Act.

Altogether 32.700 liters of Nepali liquor is said to have



been recovered from a motorcycle standing in the house of the petitioners.

Learned counsel for the petitioners submits that petitioners are quite innocent and have not committed any offence as alleged in the FIR. They have been falsely implicated in this case due to enmity. Petitioners have neither been apprehended on the spot nor any incriminating article has been recovered from their conscious physical possession. Petitioners have no concern either with the seized liquor or any trade of liquor or the place of recovery. The said recovery is not made from the house of the petitioners but from the road which is an open public place. Petitioners have one criminal antecedent of similar nature of offence.

Petitioners are agreed to deposit a sum of Rs.10,000.00/- (Rupees Ten Thousand) each in the Juvenile Justice Fund, Bihar bearing Account No.35094613009, IFSC SBIN0000153, State Bank of India, Patna Secretariat Sinchai Bhawan 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 Dumra P.S. Case no.20/2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, as also the following conditions:

(1) 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 petitioner. He will also undertake to inform the Court if there is any change in the address of 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.10,000/- (Rupees Ten Thousand) each in the Juvenile Justice Fund.

(Anjani Kumar Sharan, J)

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