

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33310 of 2021

Arising Out of PS. Case No.-25 Year-2021 Thana- BACHHWARA District- Begusarai

1. MAHESH SAHNI S/O SONE LAL SAHNI R/O VILLAGE-FATEHA, P.S.-BACHHWARA, DISTRICT-BEGUSARAI
2. NARESH SAHNI S/O SONE LAL SAHNI R/O VILLAGE-FATEHA, P.S.-BACHHWARA, DISTRICT-BEGUSARAI.
3. ANIL SAHNI S/O GANAURI SAHNI R/O VILLAGE-FATEHA, P.S.-BACHHWARA, DISTRICT-BEGUSARAI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar, Adv.

For the Opposite Party/s : Mr.Dilip Kumar No.1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 22-02-2022 Heard learned counsel for the petitioners and learned APP
for the State.

At the very outset, learned counsel for the petitioners seeks permission to withdraw the prayer for anticipatory bail as against the petitioner no.3, as he has already been arrested.

Permission is granted.

The prayer for bail made through the instant application, as against petitioner no.3 is dismissed as withdrawn.

Now, the present application is being heard on behalf of petitioner nos.1 and 2.

Learned counsel for the petitioners is directed to remove



the defects as pointed out by the office, within four weeks. In the eventuality of non-removal of defects within stipulated period, the office will place the matter before the Bench

Petitioner apprehends his arrest in connection with a case registered for the offence punishable under section 30(a) of the Bihar Prohibition and Excise Act, 2018 and 120(B) of the IPC.

Altogether 10 liters of country made liquor along with manufacturing utensils is said to have been recovered from the house of Sonelal Sahni. It is alleged that petitioner nos.1 and 2 escaped 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. They have been falsely implicated in this case due to dirty village politics. 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. The recovery is said to have been made from the house of the petitioner but the same is a joint family property and the father of the petitioner has also been made accused in this case. Also, the petitioners reside at other places for earning livelihood. There is no compliance of section 100 of the Cr.P.C.



Petitioners have no criminal antecedent, as also mentioned in para-3 of this application.

Petitioner nos.1 and 2 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 petitioner nos.1 and 2, 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 Bachhwara P.S. Case No.25/2021, 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 petitioner nos.1 and 2 shall be accepted by the learned Court below on showing receipt of deposit of Rs.10,000.00/- (Rupees Ten Thousand) each in the Juvenile Justice Fund.

(Anjani Kumar Sharan, J)

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