

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27084 of 2022

Arising Out of PS. Case No.-375 Year-2021 Thana- BALIYA District- Begusarai

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1. Dheeraj Kumar @ Dheeraj Das Son Of Shibu Das Resident Of Village - Hussaini Chak, P.S.- Ballia, Distt.- Begusarai.
 2. Pradeep Choudhary Son Of Umakanth Choudhary Resident Of Village - Hussaini Chak, P.S.- Ballia, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arjun Prasad
For the Opposite Party/s : Mr.Nityanand

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 26-08-2022 Heard learned counsel for the petitioners and learned
APP for the State.

Learned counsel for the petitioners undertakes to remove the defects within three weeks. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioners are apprehending their arrest in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. He submits that there is no recovery from the conscious possession of the petitioners rather 2 liters of country made



liquor is said to have recovered from the hut (house) of the petitioner no. 2. He further submits that petitioner no.2 has two criminal antecedent as stated in the supplementary affidavit whereas petitioner no. 1 has no criminal antecedent.

Considering the facts and circumstance of the case, let the above named petitioner no. 1, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) 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 Ballia P.S. Case No. 375 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C., with further conditions:

(1) that one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to who 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.

(II) that the bailor shall also stated on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present



case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

So far as petitioner no. 2 is concerned, illicit liquor has been recovered from the hut (house) of the petitioner no. 2, I am not inclined to enlarge the petitioner no. 2 on bail. Accordingly, his prayer for anticipatory bail is rejected in connection with the aforesaid case.

(Anjani Kumar Sharan, J)

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