

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39342 of 2021

Arising Out of PS. Case No.-217 Year-2020 Thana- NIMCHAKBATHANI District- Gaya

1. SUGRIB YADAV @ SUGRIB PRASAD Son of Late Kuldip Yadav Resident of Village Sonsa, Police Station - Neemchak Bathani in the District of Gaya.
2. Baikunth Yadav @ Baikunth Prasad Son of Late Kuldip Yadav Resident of Village Sonsa, Police Station - Neemchak Bathani in the District of Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Braj Nandan Kumar Tiwary, Adv.
For the Opposite Party/s : Mr.Arun Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 07-01-2022 Heard the parties through virtual mode.

Learned counsel for the petitioners is directed to remove the defects as pointed out by the office, within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within the undertaken period, the office will place the matter before the Bench.

Petitioners apprehend their arrest in connection with a case registered for the offence punishable under sections 30(a) of the Excise Act.

Altogether 10 liters of Mahua wine and other items like gas cylinder and liquor making apparatus is said to have been recovered from an open field.



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 on mere suspicion. No incriminating article has been recovered from their conscious physical possession. Their name transpired in the case on the basis of the disclosure of the chowkidar. There is general and omnibus allegation against the petitioners. They have no concern either with the seized liquor or any trade of liquor or the place of recovery. The place of recovery is a public place. There is non-compliance of section 100 of the Cr.P.C. Petitioners have no criminal antecedent, as also mentioned in para-3 of the bail application.

Petitioners are agreed to deposit a sum of Rs. 50,000.00/- (Rupees Fifty 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 Neemchak Bathani P.S. Case No.217/2020, 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.50,000.00/- (Rupees Fifty Thousand) each in the Juvenile Justice Fund.

(Anjani Kumar Sharan, J)

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