

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40288 of 2021**

Arising Out of PS. Case No.-351 Year-2020 Thana- MADHEPURA District- Madhepura

1. SHANKAR SAH Son of Bino Sah Resident of Village- Ithara (Itahara), P.S.- Sour Bazar, District- Saharsa.
2. Ranbir Sah @ Ranbir Kumar Son of Bechan Sah Resident of Village- Ithara (Itahara), P.S.- Sour Bazar, District- Saharsa.
3. Ranjit Sah Son of Suren Sah @ Surendra Prasad Sah Resident of Village- Ithara (Itahara), P.S.- Sour Bazar, District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Singh
For the Opposite Party/s : Mr.Sharda Kumari

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 07-01-2022 Heard learned counsel for the petitioners and learned
APP for the State through virtual court proceeding.

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 275 liters country made liquor is said to have been recovered from the car which does not belong to the petitioners. He submits that petitioner has been made accused on the basis of suspicion. He submits that petitioners are neither driver nor owner of the alleged car. He further submits that petitioners have no criminal antecedent as stated in para-3 of the bail application.

Petitioners are agreed to deposit a sum of Rs.15,000.00 (Rupees Fifteen Thousand) each Bihar Kishore Nyay Nidhi, Apna Ghar, Near Lalit Bhawan, Bailey Road Patna, bearing Saving Account No. 35094613009, State Bank of India, Branch Name Patna Secretariat Sinchai Bhawan, Branch Code-153, IFSC Code-SBIN0000153.

Considering the facts and circumstances of the case, the above named petitioners in the event of their 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) 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 Madhepura P.S. Case No. 351 of 2020, 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 petitioners, who will give an affidavit giving genealogy as to how he is related with petitioners. He will also undertake to inform the Court if there is any change in the address of petitioners.

(2) The bailor shall also state on affidavit that he will inform the Court concerned if the petitioners are 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. 15,000.00 (Rupees Fifteen Thousand) each in the Bihar Kishsore Nyay Nidhi, Patna.

(Anjani Kumar Sharan, J)

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