

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30613 of 2022

Arising Out of PS. Case No.-68 Year-2022 Thana- GOH District- Aurangabad

1. SOHAN SAW S/o- Muni Lal Saw R/o Village - Rajapur, P.S. Goh, District - Aurangabad.
2. Janmejy Bind @ Janmejy Prasad Son of not known R/o Village - Rajapur, P.S. Goh, District - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Mukul Kumari

For the Opposite Party/s : Mr. Abhay Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 02-09-2022 Heard learned counsel for the petitioner 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 stipulated period, office will place the matter before the Bench.

Learned counsel for the petitioners seek permission to withdraw this application as against petitioner no.1, as he has been apprehended by the police during pendency of this application.

Permission is granted.

Accordingly, the instant application is dismissed as



withdrawn.

Now, this application is being heard with regard to petitioner no.2 only.

Petitioner apprehends his arrest in connection with a case registered for the offence punishable u/s 30(A) of the Bihar Prohibition of Excise Act, 2018.

Altogether 42 liters of country made liquor is said to have been recovered near a canal bridge. The allegation against the petitioner is that after seeing police, he fled away from the spot.

Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence as alleged in the FIR. He has been falsely implicated in this case due to ulterior motive. His name transpired in the case on the basis of the statement of local chawkidar. Petitioner has no concern with the alleged place of recovery. Petitioner has neither been apprehended on the spot nor any incriminating article has been recovered from his conscious physical possession. Petitioner has no concern either with the seized liquor or any trade of liquor. Petitioner has no criminal antecedent, as also mentioned in para-3 of this application.

Petitioner is agreed to deposit a sum of Rs.10,000.00/- (Rupees Ten Thousand) 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 no.2 named above, in the event of his 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) 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 Goh P.S. Case No.68 of 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 petitioner shall be accepted by the



learned Court below on showing receipt of deposit of
Rs.10,000/- (Rupees Ten Thousand) in the Juvenile Justice
Fund.

(Anjani Kumar Sharan, J)

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