

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31718 of 2022

Arising Out of PS. Case No.-367 Year-2021 Thana- BOCHAHAN District- Muzaffarpur

MAHASUNDRI DEVI wife of Devendra Sahni Resident of Village -
Kakrachak, P.S.- Bochahan, District - Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 31853 of 2022

Arising Out of PS. Case No.-367 Year-2021 Thana- BOCHAHAN District- Muzaffarpur

1. BIHARI SAHNI S/o Ramavatar Sahni Resident of Village- Kakra Chak,
P.S.- Bochahan, District- Muzaffarpur.
2. Mina Devi W/o Bihari Sahni Resident of Village- Kakra Chak, P.S.-
Bochahan, District- Muzaffarpur.
3. Pallu Sahni @ Harendra Sahni S/o Bihari Sahni Resident of Village- Kakra
Chak, P.S.- Bochahan, District- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 31718 of 2022)

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

For the Opposite Party/s : Mr.Madan Kumar, APP

(In CRIMINAL MISCELLANEOUS No. 31853 of 2022)

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

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 09-09-2022 Heard the parties 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.

Petitioners apprehend their arrest in connection with a case registered for the offence punishable u/s 272, 273, 120(B) of the IPC and 30(a) of the Bihar Prohibition and Excise Act.

Altogether 306.180 litres of foreign liquor is said to have been recovered from the pick up van parked at the house of petitioner Bihari Sahni and four persons were apprehended on 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 at the instance of his enemies. Their name transpired in this case on the basis of disclosure of apprehended accused persons. Petitioners have neither been apprehended on the spot nor any incriminating article has been recovered from their conscious physical possession. They have no concern either with the seized liquor or any trade of liquor. The said pick up van does not belongs to the petitioners. There is no 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.25,000.00/- (Rupees Twenty Five Thousand) each in the Patna High Court



Legal Services Committee, Patna bearing Account No.1413010060836, IFSC PUNB0141320, Punjab National Bank, Bar Council 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 Bochahan P.S. Case No.367 of 2021 corresponding to G.R. No.2690 of 2021, 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.25,000.00/- (Rupees Twenty Five Thousand) each in the Patna High Court Legal Services Committee.

(Anjani Kumar Sharan, J)

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