

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43628 of 2021

Arising Out of PS. Case No.-128 Year-2021 Thana- AGIAON BAZAR District- Bhojpur

1. Manish Sah Son of Late Bateshwar Sah Resident of Village - Agiaon Bazar, P.S. - Agiaon Bazar, District - Bhojpur.
2. Pramod Mahto @ Pramod Kumar Son of Baburam Singh @ Langatu Mahto Resident of Village - Agiaon Bazar, P.S. - Agiaon Bazar, District - Bhojpur.
3. Ranjit Sah Son of Bharat Sah Resident of Village- Agiaon Bazar, P.S. - Agiaon Bazar, District - Bhojpur.
4. Dinesh Singh Son of Late Bharat Singh Resident of Village - Puraini Kala, P.S. - Agiaon Bazar, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Navin Kumar Singh
For the Opposite Party/s : Mr.Humayou Ahmad Khan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 29-01-2022 Heard learned counsel for the petitioners and learned
APP for the State through virtual court proceedings.

Learned counsel for the petitioners submits that petitioners no.1 and 3, namely, Manish Sah and Ranjit Sah respectively have already been arrested by the police and he may be permitted to withdraw this anticipatory bail application filed on behalf of petitioners no.1 and 3 as the same has become infructuous.

Prayer is allowed.

This anticipatory bail application is dismissed as



withdrawn so far as petitioners no.1 and 3 are concerned.

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

Petitioners No.2 and 4 apprehend their arrest in Agiaon Bazar P.S. Case No.128 of 2021, registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. There is no recovery from the conscious possession of the petitioner rather 217.500 litres of foreign liquor has been recovered from the house of Mukesh Kumar. It is further submitted that the petitioners have got no criminal antecedent as stated in para 3 of the bail application.

Learned APP for the State opposed the prayer for anticipatory bail of the petitioner.

Petitioners are ready to deposit a sum of Rs.10,000/- (rupees ten thousand) each in Bihar Kishore Nyay Nidhi, Apna Ghar, Near Lalit Bhawan, Bailey Road, Patna bearing Saving



Bank Account No.35094613009, State Bank of India, Branch Name Patna Secretariat Sinchai Bhawan, Branch Code-153, IFSC Code-SBIN0000153.

In the facts and circumstances of the case, let petitioners no.2 and 4, namely, Pramod Mahto @ Pramod Kumar and Dinesh Singh, 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 bonds of Rs.25,000/- (rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned 4th Additional Sessions Judge-cum-Special Judge, Excise, Bhojpur, Ara in connection with Agiaon Bazar P.S. Case No.128 of 2021, subject to the conditions:

(1) Laid down under Section 438(2) of the Cr.P.C.

(2) One of the bailors would be close relative of the petitioners having sufficient immovable properties, who will file an affidavit stating his relationship with the petitioners.

(3) If the petitioners indulge in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of their bail bonds.

(4) The bail bond of the petitioners shall be accepted by learned court below on showing receipt of deposit of



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bearing Saving Bank Account No.35094613009, State Bank of
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(Anjani Kumar Sharan, J.)

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