

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44254 of 2021

Arising Out of PS. Case No.-52 Year-2021 Thana- CHAKIA District- East Champaran

1. RAMESH DAS Son of Chandeo Das Resident of Village - Fulwariya Ward No. 1, P.S.- Chakia, District - East Champaran
2. Krishna Das Son of Baldeo Das Resident of Village - Fulwariya Ward No. 1, P.S.- Chakia, District - East Champaran
3. Anandi Das Son of Singeshwar Mahato Resident of Village - Fulwariya Ward No. 1, P.S.- Chakia, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Shankar Shrivastava, Adv.

For the Opposite Party/s : Mr.Veena Kumari Jaiswal, APP

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

Petitioners apprehend their arrest in connection with a case registered for the offence punishable under section 30(a) of the Bihar Excise Prohibition Act, 2016.

Altogether 87.66 liters of foreign liquor is said to have been recovered from the hut of petitioner no.2 and is alleged



that the petitioners fled away from the spot on seeing the police.

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 due to dirty village politics. Petitioners have not been apprehended on the spot. No incriminating article has been recovered from their conscious physical possession. Petitioners have no concern either with the seized liquor or any trade of liquor. The alleged recovery is said to have been made from the hut of the petitioner no.2 but he was not present there and name of the petitioner nos.1 and 3 have been disclosed by the neighbours alleging them as the members of syndicate. Petitioners have no criminal antecedent, as also mentioned in para-3 of this application.

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

Since, the recovery has been made from the hut of the petitioner no.2, I am not inclined to enlarge him on anticipatory bail. The prayer for anticipatory bail of petitioner no.2 named above is hereby rejected.

However, petitioner nos.1 and 3 are agreed to deposit a sum of Rs. 20,000.00/- (Rupees Twenty 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 petitioner nos.1 and 3, 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 Chakia P.S. Case No.52 of 2021, 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.20,000.00/- (Rupees Twenty Thousand) each in the Juvenile Justice Fund.

(Anjani Kumar Sharan, J)

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