

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35303 of 2022

Arising Out of PS. Case No.-734 Year-2021 Thana- SARAIYA District- Muzaffarpur

1. Dipu Ram S/O Chandeshwar Ram @ Chana Ram R/O Village- Bahilwara Govind, P.S.- Saraiya, District- Muzaffarpur.
2. Ritesh Ram S/O Chandeshwar Ram @ Chana Ram Resident Of Village- Bahilwara Govind, P.S.- Saraiya, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raju Kumar, Advocate
For the Opposite Party/s : Mr.Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 27-09-2022 Heard the parties

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 apprehends his arrest in connection with a case registered for the offence punishable u/s 30(a) of the Bihar Excise Act, 2016.



Altogether 45 litres of country made wine is said to have been recovered from the place of occurrence or house of the petitioners. On search of shop of Chandeshwar Ram @ Chana Ram, total 22 litres of illicit desi liquor and 23 litres of illicit desi liquor from the shop of Ramchandra Ram @ Batahu Ram were recovered from the place of occurrence.

Learned counsel for the petitioners submits that petitioners is quite innocent and has not committed any offence as alleged in the FIR. Petitioners have been falsely implicated in this case. Nothing has been recovered from physical and conscious possession of the petitioners. That the alleged recovery was made from the a orchard of one Kamlu Singh and petitioners have no concerned with the same. Petitioner no. 1 has got one antecedent and petitioner no. 2 has no criminal antecedent as also mentioned in para-3 of the bail application.

Petitioner no. 1 is agreed to deposit a sum of Rs. 20,000/- (Rupees Twenty Thousand) and petitioner no. 2 is agreed to deposit a sum of Rs. 10,000/- (Rupees Ten Thousand) in the Bihar State Legal Services Authority, Budh Marg, Patna bearing Account No. 0380000100252472, IFSC PUNB0038000, 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) 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 Saraiya P.S. Case No. 734 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 petitioners, who will give an affidavit giving genealogy as to how he is related with the petitioners. He will also undertake to inform the Court if there is any change in the address of the 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 petitioner no. 1 shall be accepted by the learned Court below on showing receipt of deposit of Rs.20,000/- (Rupees Twenty Thousand) and petitioner no. 2



shall be accepted by the learned Court below on showing receipt
of deposit of Rs.10,000/- (Rupees Ten Thousand) in the Patna
High Court Legal Services Committee.

(Anjani Kumar Sharan, J)

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