

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45515 of 2021

Arising Out of PS. Case No.-783 Year-2020 Thana- KUDHNI District- Muzaffarpur

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1. Chhotu Sahani @ Dashrath Sahani S/O Asarfi Sahani R/O Village- Charkoriya, P.S.- Kudhani (TURKI O.P.), District- Muzaffarpur
 2. Mantu Sahani S/O Bijali Sahani R/O Village-Manariya, P.S-Kudhani (TURKI O.P.), District-Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 29-01-2022 Learned counsel for the petitioners submits that petitioner no. 2 has been arrested, therefore, he seeks permission to withdraw this application with regard to petitioner no. 2.

Permission is granted.

Accordingly, this application is dismissed a withdrawn with regard to petitioner no. 2.

Heard learned counsel for the petitioner and learned APP for the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the defects within three weeks. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner is apprehending his arrest in a case



registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. He submits that there is no recovery from the conscious possession of the petitioner rather 21.250 liters of foreign liquor is said to have been recovered from the room. He submits that apprehended person disclosed the name of the petitioner. He further submits that petitioner has one criminal antecedent as stated in para-3 of the bail application.

Petitioner is agreed to deposit a sum of Rs. 10,000.00 (Rupees Ten Thousand) in the Bihar Kishore Nyay Nidhi, Apna Ghar, Near Lalit Bhawan, Bailey Road Patna, bearing Saving Account No. 35094613009, State Bank of India, Branch Name Patna Secretariat Sinchai Bhawan, Branch Code- 153, IFSC Code-SBIN0000153.

Considering the facts and circumstances of the case, the above named petitioner in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond 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 Kudhani (Turki O.P.) P.S. Case No. 783 of 2020, 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. 10,000.00 (Rupees Ten Thousand) in the Bihar Kishore Nyay Nidhi, Patna.

(Anjani Kumar Sharan, J)

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