

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45549 of 2021

Arising Out of PS. Case No.-222 Year-2021 Thana- MADHAURAH District- Saran

1. DHARMENDRA NAT S/o LATE VISHWANATH NAT R/o VILLAGE-PAKAHA NAT TOLI, P.S-MADHAURAH, DISTRICT-SARAN.
2. AMAR NAT S/o LATE CHHATHU NAT R/o VILLAGE-PAKAHA NAT TOLI, P.S-MADHAURAH, DISTRICT-SARAN.
3. PAPPU NAT S/o LATE ARVIND NAT R/o VILLAGE-PAKAHA NAT TOLI, P.S-MADHAURAH, DISTRICT-SARAN.
4. SIKANDRA NAT @ LODHA NAT S/o LATE ARVIND NAT R/o VILLAGE-PAKAHA NAT TOLI, P.S-MADHAURAH, DISTRICT-SARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arjun Prasad, Adv.
For the Opposite Party/s : Mr.Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 15-04-2022 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 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 Prohibition and Excise Act, 2016.

Altogether 60 liters of country made liquor, hidden in the bushes is said to have been recovered from front of the houses of



the petitioners and others. It is alleged that the petitioners are involved in the trade of illegal liquor business.

Learned counsel for the petitioner submits that petitioners is quite innocent and have not committed any offence as alleged in the FIR. They have been falsely implicated in this case due to ulterior motive. Petitioners have neither been apprehended on the spot nor any incriminating article has been recovered from their conscious physical possession. Name of petitioners transpired in the case on the basis of the disclosure of the local chowkidar. Petitioners have no concern either with the seized liquor or any trade of liquor. The said recovery has been made from sahan land kept hidden in bush, in front of the petitioners' houses but the said land and bushes does not belongs to the petitioners. There is no compliance of Section 100 of the Cr.P.C. Petitioners have one criminal antecedent.

Petitioners are agreed to deposit 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, 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 Madhaurah (Marhowrah) P.S. Case No.222 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 petitioners, who will give an affidavit giving genealogy as to how he is related with petitioners. 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 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 petitioners shall be accepted by the learned Court below on showing receipt of deposit of Rs.20,000/- (Rupees Twenty Thousand) each in the Juvenile Justice Fund.

(Anjani Kumar Sharan, J)

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