

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46913 of 2021

Arising Out of PS. Case No.-270 Year-2021 Thana- SONEPUR District- Saran

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1. SHARMA PANDIT S/o SAGUNI PANDIT R/o VILLAGE-BAKARPUR,
P.S-SONPUR IN THE DISTRICT OF SARAN.
 2. ABINASH KUMAR S/o SHARMA PANDIT R/o VILLAGE-BAKARPUR,
P.S-SONPUR IN THE DISTRICT OF SARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Braj Nandan Kumar Tiwary, Adv.

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 04-02-2022 Heard the parties through virtual mode.

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 u/s 272, 273 of the IPC and sections 30(a), 36, 38, 41(i) of the Excise Act.

Altogether 66.015 liters of illegal liquor is said to have been recovered from the newly constructed house of Sharma Pandit and two persons were apprehended on the spot. It is alleged that other five persons fled away from the spot.

Learned counsel for the petitioners submits that petitioners



are quite innocent and have not committed any offence as alleged in the FIR. Petitioners have been falsely implicated in this due to village politics. No incriminating article has been recovered from their conscious physical possession. Their name transpired in the case due to animosity and ill will. They have no concern either with the seized liquor or any trade of liquor. The said house is a newly constructed house of the petitioner no.1, which is not complete yet and is an abandoned place, which is easily approachable to anyone. There is non-compliance of section 100 of the Cr.P.C. Petitioners have no criminal antecedent, as also mentioned in para-3 of the bail application and similarly situated co-accused have been granted anticipatory bail by this Court vide order dated 07.01.2022 passed in Cr.Misc. No.39387 of 2021.

Petitioners are agreed to deposit a sum of Rs. 20,000.00/- (Rs. 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 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) 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 Sonpur P.S. Case No.270/2021, 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 petitioner, who will give an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the 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 petitioners 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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