

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48234 of 2021

Arising Out of PS. Case No.-371 Year-2020 Thana- LALGANJ District- Vaishali

1. Dinesh Sahani S/O Ram Chandra Sahani
2. Baban Sahni S/O Sakaldeo Sahani
3. Panchu Sahni S/O Sakaldeo Sahani all R/O Village-Salempur, P.S- Lalganj, District-Vaishali.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyameshwar Kumar Singh

For the Opposite Party/s : Mr. Umesh Lal Verma

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 04-02-2022 Learned counsel for the petitioners submits that petitioner no. 3 has been arrested by the police, therefore, he seeks permission to withdraw this application with regard to petitioner no. 3.

Accordingly, this application is dismissed as withdrawn with regard to petitioner no. 3.

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

Learned counsel for the petitioners 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 petitioners are apprehending their arrest in a case



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

Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. He submits that there is no recovery from the conscious possession of the petitioners rather 880 liters of spirit is said to have been recovered from the place of occurrence. He submits that similarly situated co-accused has been granted bail by a Bench of this Court in Cr. Misc. No. 48422 of 2021 on 15.11.2021. He further submits that petitioner no. 1 has one criminal antecedent as stated in para-3 of the bail application.

Petitioners are agreed to deposit a sum of Rs. 20,000.00 (Rupees Twenty Thousand) each 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 petitioners in the event of their 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) 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 Lalganj P.S. Case No. 371/2020, 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 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 petitioners.

(2) The bailor shall also state on affidavit that he will inform the Court concerned if the petitioners 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 Bihar Kishore Nyay Nidhi, Patna.

(Anjani Kumar Sharan, J)

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