

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48747 of 2021

Arising Out of PS. Case No.-264 Year-2021 Thana- TAJPUR District- Samastipur

1. KARN KUMAR SAH @ KARN KUMAR Son of Maheshwar Sah Resident of Village - Motipur, P.S.- Tajpur, Distt.- Samastipur.
2. Karu Kumar Sah @ Karu Kumar Son of Maheshwar Sah Resident of Village - Motipur, P.S.- Tajpur, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s : Mr. Tapeswar Sharma

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 04-02-2022 Heard learned counsel for the petitioners and learned APP for the State through virtual court proceedings.

Learned counsel for the petitioners undertakes to remove the defects within four weeks of normal court proceedings. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioners apprehend their arrest in Tajpur P.S. Case No.264 of 2021, registered for the offences punishable under Sections 30(a), 41(2), (1) of the Bihar Prohibition and Excise Act.

Learned counsel for the petitioners submits that the



petitioners are innocent and have falsely been implicated in the present case. There is no recovery from the conscious possession of the petitioners rather 432.720 litres of Indian made foreign liquor has been recovered from Bansbari situated behind the house of the petitioners. The petitioners have got no criminal antecedent as stated in para 3 of the bail application.

Learned APP for the State opposed the prayer for anticipatory bail of the petitioners.

Petitioner is ready to deposit a sum of Rs.25,000/- (rupees twenty five thousand) each in Bihar Kishore Nyay Nidhi, Apna Ghar, Near Lalit Bhawan, Bailey Road, Patna bearing Saving Bank Account No.35094613009, State Bank of India, Branch Name Patna Secretariat Sinchai Bhawan, Branch Code-153, IFSC Code-SBIN0000153.

In the facts and circumstances of the case, let petitioners, above named, 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 bonds of Rs.25,000/- (rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned ADJ II-cum-Special Judge (Excise Act), Samastipur in connection with Tajpur P.S. Case No.264 of 2021, subject to the



conditions:

(1) Laid down under Section 438(2) of the Cr.P.C.

(2) One of the bailors would be close relative of the petitioners having sufficient immovable properties, who will file an affidavit stating his relationship with the petitioners.

(3) If the petitioners indulge in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of their bail bonds.

(4) The bail bonds of the petitioners shall be accepted by learned court below on showing receipt of deposit of Rs.25,000/- (rupees twenty five thousand) each in Bihar Kishore Nyay Nidhi, Apna Ghar, Near Lalit Bhawan, Bailey Road, Patna bearing Saving Bank Account No.35094613009, State Bank of India, Branch Name Patna Secretariat Sinchai Bhawan, Branch Code-153, IFSC Code-SBIN0000153.

(Anjani Kumar Sharan, J.)

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