

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50105 of 2021

Arising Out of PS. Case No.-300 Year-2021 Thana- BAGHA District- West Champaran

Penter Sah Son of Jamuna Sah Resident of Village - Mehura, Kadamwa Tola,
P.S.- Bagaha (Bhairoganj), District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Shailendra Kr. Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 17-02-2022 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 Sections 30(a), 34(b)
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 2000kg Gur (Mittha) is said
to have been recovered from the house of the petitioner. He
submits that the petitioner is a substantial agriculturist and used



to plant sugar cane crop and to prepared Gur/Mittha and in such situation recovery of Gur/Mittha from the house of petitioner is not unusual. Moverver, keeping of Gur/Mittha by a farmer in his house is not illegal and the same does not constitute any criminal offence. He further submits that petitioner has no criminal antecedent as stated in para-3 of the bail application.

Petitioner is agreed to deposit a sum of Rs. 20,000.00 (Rupees Twenty 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 Bagaha (Bhairoganj) P.S. Case No. 300/2021, 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 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. 20,000.00 (Rupees Twenty Thousand) in the Bihar Kishore Nyay Nidhi, Patna.

(Anjani Kumar Sharan, J)

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