

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51376 of 2021**

Arising Out of PS. Case No.-19 Year-2021 Thana- SURSAND District- Sitamarhi

1. RAVI SINGH Son of Sudhir Singh
2. Ramchandra Mahto Son of Ram Brichh Mahto both R/o Village- Banauli,
P.S.- Sursand, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha

For the Opposite Party/s : Mr.Syed Mojibur Rahman

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 17-02-2022 Learned counsel for the petitioners submits that the petitioner no. 2 has been arrested by the police, therefore, he seeks permission to withdraw this application with respect to petitioner no. 2.

Accordingly, this application is dismissed as withdrawn with respect to petitioner no. 2.

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 Section 30(a) 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 108 liters of Nepali Saufi wine is said to have been recovered from the place of occurrence. He submits that apprehended person disclosed the name of the petitioner. 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 Sursand P.S. Case No. 19/2021, 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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