

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54989 of 2021

Arising Out of PS. Case No.-173 Year-2021 Thana- PANCHRUKHI District- Siwan

1. AKHILESH PRASAD S/o Gautam Prasad R/o village- Sahbaur, Ward No. 11, P.S.- Sarai O.P., District- Siwan
2. Gautam Prasad S/o Madan Prasad R/o village- Sahbaur, Ward No. 11, P.S.- Sarai O.P., District- Siwan

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary

For the Opposite Party/s : Mr.Madan Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 04-03-2022 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners apprehend their arrest in Pachrukhi (Sarai)
P.S. Case No.173 of 2021, registered for the offence punishable
under Section 30(a) of the Bihar Prohibition and Excise Act.

Learned counsel for the petitioners submits that there
is no recovery from the conscious possession of the petitioners
rather 3 litres of country made liquor has been recovered from a
bag (*Jhola*) behind the house of the petitioners. It is submitted
that 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.

Petitioners are ready to deposit a sum of Rs.10,000/- (rupees ten 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.

Considering the fact that there is no recovery from the conscious possession of the petitioners, 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 Additional Sessions Judge 2nd-cum-Special Judge, Excise, Siwan in connection with Pachrukhi (Sarai) P.S. Case No.173 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.10,000/- (rupees ten thousand) 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.)

Sanjay/-

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