

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54281 of 2021

Arising Out of PS. Case No.-390 Year-2021 Thana- MASHRAK District- Saran

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1. BHOLA NAT SON OF SANT LAL NAT RESIDENT OF VILLAGE-
SISAI, P.S. MASHRAKH DISTRICT CHAPRA AT SARAN.
 2. AJAY NAT SON OF SANT LAL NAT RESIDENT OF VILLAGE- SISAI,
P.S. MASHRAKH DISTRICT CHAPRA AT SARAN.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Harsh Anuj

For the Opposite Party/s : Mr.Parmanand 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.

The petitioners apprehend their arrest in Mashrakh
P.S. Case No.390 of 2021, registered for the offence punishable
under Sections 30, 30(a), 38 and 41 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 80 litres of spirit has been recovered near the bank of
Gandak Nahar kept in two plastic gallon. It is submitted that
petitioners have got one 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.20,000/- (rupees twenty 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 2nd Additional Sessions Judge-cum-Special Judge, Excise, Saran in connection with Mashrakh P.S. Case No.390 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.20,000/- (rupees twenty 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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