

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45853 of 2022

Arising Out of PS. Case No.-135 Year-2019 Thana- RAJNAGAR District- Madhubani

1. ANIL SAH @ ANIL KUMAR SAH SON OF GANGA SAH R/O VILLAGE- KAMLA ROAD JAYNAGAR, P.S.- JAYNAGAR, DIST.- MADHUBANI
2. GOPAL MAHASETH SON OF MAHENDRA MAHASETH R/O VILLAGE- KAMLA ROAD JAYNAGAR, P.S.- JAYNAGAR, DIST.- MADHUBANI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhavesh Kumar Sah, Adv.
For the Opposite Party/s : Mr.Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 21-10-2022 Heard the parties through virtual court proceedings.

Learned counsel for the petitioners is directed to remove the defects within four weeks.

Petitioners apprehend their arrest in connection with a case registered for the offence punishable u/s 272, 273, 34 of the IPC and 30(a) of Bihar Prohibition and Excise Act.

Altogether 621.720 litres of foreign liquor is said to have been recovered from the house of co-accused Shrawan Chaupal and Abdul Sekh @ Laddu.

Learned counsel for the petitioners submits that petitioners are quite innocent and have not committed any offence as alleged in the FIR. Petitioners have been falsely



implicated in this case at the instance of their enemies. Their name transpired in this case on the basis of secret information. Petitioners have neither been apprehended on the spot nor any incriminating article has been recovered from their conscious physical possession. They have no concern either with the seized liquor or any trade of liquor. The said recovery has not been made from the house of petitioners but from the house of other accused persons. Petitioners have no criminal antecedent, as also mentioned in para-3 of the bail application.

Petitioners are agreed to deposit a sum of Rs.30,000/- (Rupees Thirty Thousand) each in the Bihar State Legal Services Authority, Budh Marg, Patna bearing Account No.0380000100252472, IFSC PUNB0038000, Punjab National Bank.

Considering the aforesaid facts and circumstances, let the petitioners, named above, in the event of their arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory 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 the learned Court below, where the case is pending/Successor court, in connection with Rajnagar P.S. Case No.135 of 2019, subject



to the condition as laid down under Section 438 (2) of the Cr.P.C, as also the following conditions.

(1) That 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 the petitioner. He will also undertake to inform the Court if there is any change in the address of the 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 petitioners shall be accepted by the learned Court below on showing receipt of deposit of Rs.30,000.00/- (Rupees Thirty Thousand) each in the Bihar State Legal Services Authority.

(Anjani Kumar Sharan, J)

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