

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55179 of 2021**

Arising Out of PS. Case No.-121 Year-2021 Thana- MOHIUDDIN NAGAR District-
Samastipur

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SANJEET PODDAR SON OF SHANKAR PODDAR R/O VILLAGE-
CHAKJOHARA (CHANJOHARA), P.S.- MOHIUDDINNAGAR,
DISTRICT- SAMASTIPUR.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jitendra Narain Sinha

For the Opposite Party/s : Mr.Gauri Shankar Gupta

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

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

The petitioner apprehends his arrest in Mohiuddinnagar P.S. Case No.121 of 2021, registered for the offences punishable under Sections 272 and 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

Learned counsel for the petitioner submits that there is no recovery from the conscious possession of the petitioner rather 8.640 litres of foreign liquor and 20 litres of Mahua wine has been recovered behind the house of the petitioner. It is submitted that the recovered liquor does not belong to the petitioner. The petitioner has 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 petitioner.

Petitioner is ready to deposit a sum of Rs.20,000/- (rupees twenty 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.

Considering the fact that there is no recovery from the conscious possession of the petitioner, let petitioner, above named, 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 learned Additional Sessions Judge-II-cum-Special Judge (Excise Act), Samastipur in connection with Mohiuddinnagar P.S. Case No.121 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 petitioner having sufficient immovable properties, who will file



an affidavit stating his relationship with the petitioner.

(3) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bond.

(4) The bail bond of the petitioner shall be accepted by learned court below on showing receipt of deposit of Rs.20,000/- (rupees twenty 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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