

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48042 of 2022

Arising Out of PS. Case No.-108 Year-2022 Thana- DURGAWATI District- Kaimur (Bhabua)

1. PREM SHANKAR SON OF SURENDRA YADAV R/O RASULA, P.S.- (BHELABAR O.P.) KAKO, DISTRICT- JAHANABAD
2. RANJIT KUMAR @ BHAROSI YADAV SON OF RAJNANDAN YADAV R/O BAJEETPUR, P.S.- PARASBIGHA, DISTRICT- JAHANABAD

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Jiban Pd. Singh

For the Opposite Party/s : Mr.Sanjay Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 04-11-2022 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 30(a) of the Bihar Prohibition and Excise Act.

Altogether 137.800 litres of foreign liquor is said to have been recovered from a bolero pick up van. The driver of the said pick up van was apprehended on the spot.

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. Petitioner no.1 is the owner of the said pick up van and the name of petitioner no.2 was disclosed by the driver of the pick up van. 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. Petitioners have no criminal antecedent, as also mentioned in para-3 of the bail application.

Petitioners are agreed to deposit a sum of Rs.20,000.00/- (Rupees Twenty Thousand) each in the Patna High Court Legal Services Committee, Patna bearing Account No.1413010060836, IFSC PUNB0141320, Punjab National Bank, Bar Council Branch, Patna.

Considering the aforesaid facts and circumstances, let the petitioner, named above, in the event of his 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 Durgawati P.S. Case No.108 of 2022, 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 petitioner shall be accepted by the learned Court below on showing receipt of deposit of Rs.20,000.00/- (Rupees Twenty Thousand) **each** in the Patna High Court Legal Services Committee.

(Anjani Kumar Sharan, J)

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