

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60132 of 2021

Arising Out of PS. Case No.-202 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

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ASHOK SAHANI @ ASHOK KUMAR Son of Late Rambali Sahani
Resident of Village - Ropshanpur Chhaki (Bochaha), P.s.- Ahiyapur, Distt.-
Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajiv Kumar

For the Opposite Party/s : Mr.Anand Mohan Prasad Mehta

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 11-03-2022 Heard the parties.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within undertaken period, office will place the matter before the Bench.

Petitioner apprehends his arrest in connection with a case registered for the offence punishable u/s 30(a) and 30(c) of Bihar Prohibition and Excise Act, 2016.

Altogether 200 litres of country made liquor as well as 200 litres of raw material used manufacture of liquor were recovered from a hut behind the house of the petitioner. It is alleged that the petitioner is a member of the syndicate who are involved in manufacturing of liquor and he fled from the spot.



Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence as alleged in the FIR. He has been falsely implicated in this case due to ulterior motive. Petitioner has neither been apprehended on the spot nor any incriminating article has been recovered from his conscious physical possession. Petitioner has no concern either with the seized liquor or any trade of liquor. The recovery is said to have been made from beneath the earth, behind the house of the petitioner from which petitioner has no concern. Petitioner has no criminal antecedent, as also mentioned in para-3 of this application.

Petitioner is agreed to deposit a sum of Rs. 10,0000.00/- (Rupees One Lac) in the Juvenile Justice Fund, Bihar bearing Account No.35094613009, IFSC SBIN0000153, State Bank of India, Patna Secretariat Sinchai Bhawan 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) 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 Excise Case No.202 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, as also the following conditions:

(1) 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 petitioner. He will also undertake to inform the Court if there is any change in the address of 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.10,0000/- (Rupees One Lac) in the Juvenile Justice Fund.

(Anjani Kumar Sharan, J)

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