

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60137 of 2021

Arising Out of PS. Case No.-365 Year-2020 Thana- VAISHALI District- Vaishali

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1. PAPPU CHAUDHARY S/o SHREE RAMNATH CHAUDHARY R/o VILLAGE-MADARNA, P.S.- VAISHALI, DISTRICT-VAISHALI.
 2. RAJA KUMAR S/o PAPPU CHAUDHARY R/o VILLAGE-MADARNA, P.S.- VAISHALI, DISTRICT-VAISHALI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mahesh Prasad

For the Opposite Party/s : Mr.Indu Kumari Srivastava

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 11-03-2022 Heard the parties.

Learned counsel for the petitioners 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.

Petitioners apprehend their arrest in connection with a case registered for the offence punishable u/s 30(a) of Bihar Prohibition and Excise Act, 2016.

Altogether 105 liters of country made liquor is said to have been recovered from bush behind the house of petitioners.

Learned counsel for petitioners submits that petitioners are quite innocent and has not committed any offence as alleged



in the FIR. He has been falsely implicated in this case due to dirty village politics. Petitioners have neither been apprehended on the spot nor any incriminating article has been recovered from their conscious physical possession. Petitioners have no concern either with the seized liquor or any trade of liquor. The recovery is said to have been made from behind the house of petitioners but the same is a public place. Petitioners have no criminal antecedent, as also mentioned in para-3 of this application.

Petitioners are agreed to deposit a sum of Rs. 25,000.00/- (Rupees Twenty Five Thousand) each 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 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 Vaishali P.S. Case No.365 of 2020, 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 petitioners shall be accepted by the learned Court below on showing receipt of deposit of Rs.25,000/- (Rupees Twenty Five Thousand) each in the Juvenile Justice Fund.

(Anjani Kumar Sharan, J)

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