

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60840 of 2021**

Arising Out of PS. Case No.-536 Year-2021 Thana- BEGUSARAI TOWN District- Begusarai

1. Chhotu Kumar
2. Neeraj Kumar both S/o Late Umesh Mahto @ Umesh Mahton R/o village-Telia Pokhar, Ward No. 22, P.S- Town (Ratanpur O.P.), District- Begusarai
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar

For the Opposite Party/s : Mr.Jai Narain Thakur

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

2 25-03-2022 Learned counsel for the petitioners submits that the petitioner no. 2 has been apprehended by the police, therefore, this application has become infructuous with regard to petitioner no. 2.

Accordingly, this application is dismissed as infructuous with regard to petitioner no. 2.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner apprehends his arrest in Town (Ratanpur O.P.) P.S. Case No.536 of 2021, registered for the offence punishable under 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 31.770 litres of Indian made foreign liquor has been recovered from a field which field belongs to one Rajendra Sah @ Raja Sah. It is submitted that the petitioner is said to have fled away from the place of occurrence after seeing the police. The petitioner has got two criminal antecedents of similar nature 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.25,000/- (rupees twenty five 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 Special Judge, Excise Act, Begusarai in connection with Town (Ratanpur O.P.) P.S. Case



No.536 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.25,000/- (rupees twenty five 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)

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