

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62669 of 2021**

Arising Out of PS. Case No.-21 Year-2021 Thana- BANSHI District- Jehanabad

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1. Dhananjay Yadav Son Of Chhotan Yadav Resident Of Village- Chamandi, P.S.- Kurtha, District- Arwal.
 2. Ramanuj Yadav Son Of Jagesh Yadav Resident Of Village- Chamandi, P.S.- Kurtha, District- Arwal.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Paras Nath

For the Opposite Party/s : Mr.Md. Nazir Ansari

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

2 24-06-2022 Learned counsel for the petitioners submits that the petitioner no. 2 has surrendered before the learned court below, therefore, he seeks permission to withdraw this application with regard to petitioner no. 2.

Permission is granted.

Accordingly, this application is dismissed as withdrawn with regard to petitioner no. 2.

Heard learned counsel for the petitioner and learned APP for the State for consideration of bail with regard to rest of the petitioner.

Learned counsel for the petitioner undertakes to remove the defects within three weeks. In the eventuality of non-removal of defects within undertaken period, the office will



place the matter before the Bench.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Section 30(a), (b), (c) of the Bihar Prohibition and Excise Act.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. He submits that there is no recovery from the conscious possession of the petitioner rather 225 liters of country made liquor is said to have recovered near the bank of river. He submits that the local Choukidar disclosed the name of the petitioner. He further submits that petitioner has no criminal antecedent as stated in para-3 of the bail application.

Petitioner is agreed to deposit a sum of Rs. 30,000.00 (Rupees Thirty Thousand) in the Patna High Court Legal Services Committee, Patna, bearing Account No. 1413010060836, IFSC Code: PUNB0141320, Punjab National Bank, Bar Council Branch, Patna.

Considering the fact that there is no recovery from the possession of the petitioner, let the above named petitioner, 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 the learned court below where the case is pending/successor court in connection with Banshi P.S. Case No. 21 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C., with further conditions:

(1) that one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to who 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.

(II) that the bailor shall also stated on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after her release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of the aforesaid amount in the Patna High Court Legal Services Committee, Patna.

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(Anjani Kumar Sharan, J)

