

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64206 of 2021

Arising Out of PS. Case No.-183 Year-2021 Thana- ITARHI District- Buxar

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1. Banke Bihari Chouhan S/o Jagdish Noniya Resident of Village - Mangolpur, P.S. - Itarhi, District - Buxar.
 2. Dhanpukar Chouhan S/o Banke Bihari Chouhan Resident of Village - Mangolpur, P.S. - Itarhi, District - Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Shankar Pathak, Advocate
For the Opposite Party/s : Mr. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 01-04-2022 Heard learned counsel for the petitioners and learned
APP for the State through virtual court proceeding.

Learned counsel for the petitioners 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 petitioners are apprehending their arrest in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

The recovery is of 186.300 litres of Indian Made Foreign Liquor from the different vehicles.

Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this



case. He submits that no recovery has been made from the conscious physical possession of the petitioners. He further submits that petitioners have no criminal antecedent as stated in para-3 of the bail application.

Petitioners are agreed to deposit a sum of ₹20,000.00 (Rupees Twenty Thousand) each in the Bihar Kishore Nyay Nidhi, Apna Ghar, Near Lalit Bhawan, Bailey Road Patna, bearing Saving Account No. 35094613009, State Bank of India, Branch Name Patna Secretariat Sinchai Bhawan, Branch Code-153, IFSC Code-SBIN0000153.

Considering the facts and circumstances of the case, the above named petitioners in the event of their 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 ₹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 Itarhi P.S. Case No. 183 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 petitioners, who will give an affidavit giving genealogy as to



how he is related with petitioners. He will also undertake to inform the Court if there is any change in the address of petitioners.

(2) The bailor shall also state on affidavit that he will inform the Court concerned if the petitioners are 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 ₹20,000.00 (Rupees Twenty Thousand) each in the Bihar Kishore Nyay Nidhi, Patna.

(Anjani Kumar Sharan, J)

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