

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69869 of 2021

Arising Out of PS. Case No.-882 Year-2020 Thana- HAJIPUR SADAR District- Vaishali

1. PENTER KUMAR @ AJIT KUMAR S/o Vishnu Ray @ Bhishan Ray Resident of Village- Lal Pokhar Dighi, P.S.- Hajipur Sadar, District- Vaishali.
2. Ved Prakash @ Sahil Kumar S/o Vinay Ray Resident of Village- Lal Pokhar Dighi, P.S.- Hajipur Sadar, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Singh, Advocate

For the Opposite Party/s : Mrs.Suman Kumari Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 20-05-2022 Heard the parties.

Learned counsel for the petitioners is directed to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated 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 414 IPC and section 30(a) of the Bihar Prohibition and Excise Act, 2018.

Altogether 45 liters of foreign liquor is said to have been recovered from an Alto car and it is alleged that the petitioners and one accused fled away from the spot on seeing the police.

Learned counsel for the petitioners submits that



petitioners are quite innocent and have not committed any offence as alleged in the FIR. Petitioners have been falsely implicated in this case due to ulterior motive. Petitioners have neither been apprehended on the spot nor any incriminating article has been recovered from his conscious physical possession. Allegation against them is that seeing the police, they fled away from the spot. They have no concern either with the seized liquor or any trade of liquor or the vehicle from which recovery has been made. There is no compliance of section 100 of the Cr.P.C. Petitioner no.1 has eight criminal antecedents and petitioner no.2 has seven criminal antecedent, as mentioned in para-3 of the bail application.

Petitioners are agreed to deposit a sum of Rs. 30,000.00/- (Rupees Thirty Thousand) each in the Patna High Court Legal Services Committee, Patna bearing Account No.1413010060836, IFSC PUNB0141320, Punjab National Bank, Bar Council 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 Hajipur Sadar P.S. Case No.882 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, as also the following conditions.

(1) That 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 the petitioner. He will also undertake to inform the Court if there is any change in the address of the 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.30,000.00/- (Rupees Thirty Thousand) each in the Patna High Court Legal Services Committee.

(Anjani Kumar Sharan, J)

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