

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69698 of 2021

Arising Out of PS. Case No.-183 Year-2019 Thana- LALGANJ District- Vaishali

1. RAJIV SAHNI @ GHANTU SAHNI Son of Sakal Sahni R/o Village- Kesarpur, P.S.- Lalganj, District- Vaishali.
2. Upendra Sahni @ Pakauri Son of Sipahi Sahni R/o Village- Kesarpur, P.S.- Lalganj, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Bela Singh

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap

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 30(a), 32(2), 41(1) of the Bihar Prohibition and Excise Act.

Altogether 717 liters of foreign liquor is said to have been recovered from the bank of the river near Pirapur ghat. It is alleged that the petitioners and others 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. 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 they are the members of syndicate involved in the business of liquor. They have no concern either with the seized liquor or any trade of liquor or the place of recovery. Petitioners have no criminal antecedent, as mentioned in para-3 of the bail application.

Petitioners are agreed to deposit a sum of Rs. 10,000.00/- (Rupees Ten 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 Lalganj P.S. Case No.183 of 2019, 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.10,000.00/- (Rupees Ten Thousand) each in the Patna High Court Legal Services Committee.

(Anjani Kumar Sharan, J)

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