

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60983 of 2022

Arising Out of PS. Case No.-152 Year-2021 Thana- GOVINDPUR District- Nawada

1. BHIM RAJWAR @ BHIM S/O RUPAM RAJWAR Resident of Mahuar, Bokaro Steel City, P.S.- Harla, District- Bokaro (Jharkhand).
2. VISHNUDEV SAHANI @ VISHUNDEV SAHNI S/O LATE NANHAKU SAHNI Resident of Village- Malpur, P.S.- Patepur, District- Vaishali at present of B Road Sector-9 Street Bokaro, P.S.- Harla, District- Bokaro (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kumar

For the Opposite Party/s : Mr. Rajendra Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 02-12-2022 Heard the parties through virtual court proceedings.

Petitioners apprehend their arrest in connection with a case registered for the offence punishable u/s 30(a)/41 of the Bihar Prohibition and Excise Act, 2016.

Altogether 124.125 litres of foreign liquor is said to have been recovered from a car. Two persons were apprehended on the spot and they told that the petitioner no.2 has loaded the said wine and petitioner no.1 gave him the same in Bokaro.

Learned counsel for the petitioners submit that petitioners are quite innocent and have not committed any offence as alleged in the FIR. Petitioners have been falsely implicated in this case at the instance of his enemies. Their name transpired in



this case on the basis of the confessional statement of apprehended persons. Petitioners have neither been apprehended on the spot nor any incriminating article has been recovered from their conscious physical possession. They have no concern either with the seized liquor or any trade of liquor. He further submits that the petitioners are neither owner of the aforesaid vehicle nor they were involved in alleged occurrence. Petitioners have no criminal antecedent, as also 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 Govindpur P.S. Case No.152 of 2021, 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 petitioner 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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