

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67321 of 2022

Arising Out of PS. Case No.-427 Year-2022 Thana- SUGAULI District- East Champaran

1. BHOLA SAHANI Son of Late Ramdhari Sahani Resident of Village-Mehwa, P.S.- Sugauli, District- East Champaran
2. PREMCHANDRA SAHANI Son of Devendra Sahani Resident of Village-Mehwa, P.S.- Sugauli, District- East Champaran
3. HARENDRA SAHANI Son of Late Birja Sahani Resident of Village-Mehwa, P.S.- Sugauli, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar No.1
For the Opposite Party/s : Mrs.Veena Kumari Jaiswal

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 16-12-2022 Heard learned counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 272, 273 and 34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. He submits that there is no recovery from the conscious possession of the petitioners rather 75 liters of country made liquor is said to have recovered from the agriculture land. He submits that allegation against the petitioners is that they along with other co-accused



managed to ran away from the place of occurrence and local chowkidar disclosed the name of the petitioners that they are also involved in this case. He submits that nobody was apprehended on the spot. He further submits that petitioner no.1 have got three criminal antecedents of similar nature, petitioner no.2 have got no criminal antecedent and petitioner no.3 have got two criminal antecedents of similar nature as stated in para-3 of the bail application.

Petitioner no.2 is agreed to deposit a sum of Rs. 10,000.00 (Rupees Ten Thousand) in the account of Patna High Court Legal Services Committee, Patna, bearing Account No. 1413010060836, IFSC Code: PUNB0141320, Punjab National Bank, Bar Council Branch, Patna.

Considering the facts and circumstance of the case, let the above named petitioner no.2, 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 Sugauli P.S. Case No. 427 of 2022, 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 account of Patna High Court Legal Services Committee, Patna.

So far as petitioner nos.1 & 3 are concerned, I am not inclined to enlarge the petitioner nos.1 & 3 on anticipatory bail in connection with aforementioned case. Accordingly, their application for anticipatory bail is hereby rejected.

(Anjani Kumar Sharan, J)

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