

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2470 of 2023

Arising Out of PS. Case No.-295 Year-2022 Thana- PIPRAKOTHI District- East Champaran

1. MUKESH SAHNI S/o Vinay Sahni R/v- Bakhri Naji, P.S.- Mehshi, District- East Champaran
2. SANJAY SAHNI S/o Keta Sahni R/v- Bakhri Naji, P.S.- Mehshi, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shanti Bhushan Singh, Adv.

For the Opposite Party/s : Mr.Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 16-03-2023 Heard the parties.

Petitioners apprehend their arrest in connection with a case registered for the offence punishable u/s 188, 272, 273, 414, 420/34 of the IPC and 30(a)/41(1) of the Bihar Prohibition and Excise Act.

Altogether 324 litres of foreign liquor is said to have been recovered from the spot and some accused were apprehended, who disclosed the name of petitioners as their associate.

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 at the instance of their enemies. Their



name transpired in this case on the confessional statement of apprehended co-accused. 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. Petitioner no.1 has one criminal antecedent and petitioner no.2 has two criminal antecedent, as also mentioned in para-3 of the bail application.

Petitioner no.1 is agreed to deposit a sum of Rs. 20,000.00/- (Rupees Twenty Thousand) and petitioner no.2 is agreed to deposit a sum of Rs.30,000/- (Rupees Thirty Thousand) 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 Pipra Kothi P.S. Case No.295 of 2022, 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.20,000.00/- (Rupees Twenty Thousand) by petitioner no.1 and Rs.30,000/- (Rupees Thirty Thousand) by petitioner no.2, in the Patna High Court Legal Services Committee.

(Anjani Kumar Sharan, J)

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