

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5962 of 2023

Arising Out of PS. Case No.-469 Year-2021 Thana- SAHEBGANJ District- Muzaffarpur

Bhutai Sahni @ Ramji Sahni S/O Shivnath Sahani R/O Village- Hussepur
Naya Tola, P.S.- Sahebganj, Distt- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Tiwari
For the Opposite Party/s : Mr. Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 10-04-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 272 and 273 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. He submits that there is no recovery from the conscious possession of the petitioner rather 21 liters of country made liquor is said to have recovered from the open place. He submits that no any incriminating article was recovered from the conscious possession of the petitioner. The petitioner is not concerned with the alleged offence. He submits that the



petitioner has been implicated in this case due to enmity with friends and high handedness of the police. He further submits that petitioner has no criminal antecedent as stated in para-3 of the bail application.

Petitioner is agreed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand) in Bihar State Bar Council Welfare Fund, Patna, bearing Account No.31861041899, IFSC Code: SBIN0010340, State Bank of India, High Court Campus, Patna.

Having regard to the facts and circumstances of the case and the fact that there is nothing recovered from the conscious possession of the petitioner, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, 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 Sahebganj P.S. Case No.469 of 2021, G.R. No. 1911 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C., subject to the further conditions that:

(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.

(2) 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 his 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 deposit of the aforesaid amount in the account of Bihar State Bar Council Welfare Fund, Patna.

(Anjani Kumar Sharan, J)

anand/-

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