

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48213 of 2023

Arising Out of PS. Case No.-191 Year-2023 Thana- BISFI (PATAUNA) District- Madhubani

1. VIJAY SAH @ VIJAY BIHARI SON OF BATOHI SAH RESIDENT OF VILLAGE - PARSAUNI, PS- BISFI PATAUNA OP, DISTT- MADHUBANI,
2. SOHAN SAH @ SOHAN KUMAR SAH SON OF SRI VIJAY SAH @ VIJAY BIHARI RESIDENT OF VILLAGE - PARSAUNI, PS- BISFI PATAUNA OP, DISTT- MADHUBANI,

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Ranjan, Adv.

For the Opposite Party/s : Mrs.Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 29-08-2023 Heard learned counsel for the petitioners and learned APP
for the State.

2. Petitioners apprehend their arrest in connection with a case registered for the offence punishable u/s 272, 273, 420, 467, 468, 471, 120B of the IPC and section 30(a), 36, 38(1), 41(i) of the Bihar Prohibition and Excise Act-2018.

3. Altogether 578.880 litres of foreign liquor is said to have been recovered from a truck and 45 litres of foreign liquor is said to have been recovered from the motorcycle of the petitioner no.2.

4. 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. 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. Petitioners are not the owners of the truck and although the motorcycle belongs to the petitioner no.2 but his motorcycle was falsely shown to be involved in the recovery of liquor. Petitioner no.1 has seven criminal antecedent, out of which, five are of similar nature of offence and petitioner no.2 has three criminal antecedent not of similar nature of offence, as also mentioned in para-3 of the bail application.

5. Having regard to the facts and circumstances of the case, since petitioner no.1 has five criminal antecedent of similar nature of offence, I am not inclined to enlarge the petitioner no.1 on anticipatory bail. The prayer for grant of bail on his behalf is rejected.

6. Petitioner no.2 is agreed to deposit a sum of Rs.10,000.00/- (Rupees Ten Thousand) in the Patna High Court Legal Services Committee, Patna bearing Account No.1413010060836, IFSC PUNB0141320, Punjab National



Bank, Bar Council Branch, Patna.

7. Considering the aforesaid facts and circumstances, let the petitioner no.2, named above, in the event of his 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) 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 Basfi (Patauna) P.S. Case No.191 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, as also the following conditions.

(i) 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.

(ii) 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.

8. The bail bond of the petitioner no.2 shall be accepted by



the learned Court below on showing receipt of deposit of
Rs.10,000.00/- (Rupees Ten Thousand) in the Patna High Court
Legal Services Committee.

(Anjani Kumar Sharan, J)

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