

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.331 of 2023

Arising Out of PS. Case No.-1027 Year-2022 Thana- TURKAULIYA District- East
Champaran

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1. NAGENDRA SAH S/O Shree Lal Sah R/O Village- Jhakhiya, P.S-
Turkauliya (Banjariya) District East Champaran
 2. Dilip Chaudhary @ Dilip Kumar Chaudhary S/O Rajeshwar Mahto R/O
Village Vritiya Loknathpur P.S Turkauliya (Banjariya), District- East
Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhannjay Kumar No 2
For the Opposite Party/s : Mr.Nand Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 20-01-2023 Heard learned counsel for the petitioners and

learned APP for the State.

Learned counsel for the petitioners seeks
permission to withdraw this application as against the petitioner
no.1, as he has already been arrested by the police, during
pendency of this application.

Permission is granted.

Accordingly, the instant application as against the
petitioner no.1 is dismissed as withdrawn.

Now, this application is being heard for consideration of
anticipatory bail as against the petitioner no.2 only.

Heard the parties.



The petitioner no.2 is apprehending his arrest in a case registered for the offence punishable under Section 272, 273 and 34 of the Indian Penal Code and Section 30(a), 41(i) of the Bihar Prohibition and Excise Act.

Learned counsel for the petitioner no.2 submits that petitioner no.2 is innocent and has been falsely implicated in this case. He submits that there is no recovery from the conscious possession of the petitioner no.2 rather 32 liters of foreign liquor is said to have recovered near the land of the petitioner no.2. He further submits that petitioner no.2 has got no criminal antecedent as stated in para-3 of the bail application.

Petitioner no.2 is agreed to deposit a sum of Rs. 10,000/-(Rupees Ten Thousand) in the PM Cares Fund, bearing Account No. 2121PM20202, IFSC Code: SBIN0000691, SWIFT Code: SBININBB104, State Bank of India, New Delhi Main Branch, UPI ID: pmcares@sbi.

Considering the facts and circumstance of the case and the fact that there is nothing recovered from the conscious possession of the petitioner no.2, let the above named petitioner no.2, in the event of his arrest or surrender before the learned Court below within a period of eight 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 Turkauliya P.S. Case No. 1027/2022, 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 no.2, who will give an affidavit giving genealogy as to who he is related with the petitioner no.2. He will also undertake to inform the court if there is any change in the address of the petitioner no.2.

(II) that the bailor shall also stated on affidavit that he will inform the Court concerned if the petitioner no.2 are 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 no.2 shall be accepted by the learned Court below on showing receipt of the aforesaid amount in the account of PM Cares Fund.

(Anjani Kumar Sharan, J)

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