

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72060 of 2022

Arising Out of PS. Case No.-488 Year-2022 Thana- TURKAULIYA District- East
Champaran

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1. SANTOSH SAHANI @ SANTU SAHANI S/O KALIKA SAHANI
Resident of village- Gokhula, Siswa, P.S.- Banjariya, District- East
Champaran.
 2. ASHARFI RAM @ ASRAFI RAM S/O LATE NAKCHHEDI RAM
Resident of village- Gokhula, Siswa, P.S.- Banjariya, District- East
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh
For the Opposite Party/s : Mrs. Rita Verma

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 17-03-2023 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 Section 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 19 liters of country made liquor is said to have recovered from from the motor cycle. He



submits that allegation against the petitioners is that they along with other co-accused managed to ran away from the place of occurrence. He submits that there is no recovery made from the conscious possession of the petitioners. He further submits that petitioners have got no criminal antecedent as stated in para-3 of the bail application.

Petitioners are agreed to deposit a sum of Rs. 10,000.00 (Rupees Ten Thousand) each 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 and the fact that there is nothing recovery form the conscious possession of the petitioners, let the above named petitioners, 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 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 Turkauliya (Banjariya) P.S. Case No. 488 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 petitioners, who will give an affidavit giving genealogy as to who he is related with the petitioners. 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 petitioners are 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 petitioners will 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.

(Anjani Kumar Sharan, J)

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