

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39494 of 2024

Arising Out of PS. Case No.-117 Year-2024 Thana- BAIRIYA District- West Champaran

1. Safayat Mian @ Safayat Ansari Son Of Late Shani Miya @ Late Md. Sanni Miya Village- Mansha Dubey Patkhauri, Ps- Bairiya, Dist- West Champaran
2. Sanjay Yadav Son Of Late Rambhu Yadav, Village- Mansha Dubey Patkhauri, Ps- Bairiya, Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Shrivastava, Advocate
For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 03-07-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with
Bairiya P.S. Case No. 117 of 2024 dated 08.04.2024 instituted
for the offence punishable under Section 272, 273/34 of the
Indian Penal Code and Section 30(a) of the Bihar Prohibition
and Excise Act.

3. Allegation is of recovery of total 61.38 foreign
liquor from the bamboo orchard of the petitioner no. 1.

4. Learned counsel for the petitioners submits that the
petitioners are innocent and they have been falsely implicated in
this case. It is further submitted that nothing has been recovered



either from the conscious possession of the petitioners or from their house. Learned counsel for the petitioners submits that neither the petitioners have any concern with the the said bamboo orchard nor they are the owner of the same. The name of the petitioners have transpired in this case only on the basis of disclosure made by spy and chowkidar. No incriminating material has come against the petitioners. Lastly, it has been submitted that petitioner no. 1 has two criminal antecedents while petitioner no. 2 has one criminal antecedents.

5. Learned A.P.P. has opposed the prayer for anticipatory bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Bairiya P.S. Case No. 117 of 2024, they will be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise, Bettiah, West Champaran subject to condition as laid down under Section 438(2) of the Cr.P.C., as well as the following conditions:-

I. Petitioners shall co-operate in the trial and shall



be properly represented on each and every date fixed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

II. One of the bailors will be their own blood relation, preferably father, mother, brother, sister and or their wife.

III. The bailor shall also state on affidavit that he will inform the court concerned if the petitioners are made accused in any other case of similar nature after their release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

IV. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

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