

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.223 of 2024

Arising Out of PS. Case No.-244 Year-2023 Thana- YADOPUR District- Gopalganj

1. Harendra Sahani S/o Gyanchand Sahani R/o village-Bishunpura (Bhathwa), P.S-Jadopur (Yadopur), District-Gopalganj
2. Jiut Sahani S/o Moti Sahani R/o village-Bishunpura (Bhathwa), P.S-Jadopur (Yadopur), District-Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lokesh Singh, Adv.

For the Opposite Party/s : Mr. Dashrath Mehta, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 06-02-2024 Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. It is submitted by learned counsel for the petitioners that no incriminating article has been recovered from the conscious physical possession of the petitioners rather 225 liters of country-made liquor is said to have been recovered from the boat. Petitioners were not apprehended on the spot. Petitioners have no concern either with the seized liquor or any trade of liquor. The allegation levelled against the petitioners is



not specific rather general and omnibus in nature. Only on suspicion petitioners have been made accused in the present case. Petitioner no.1 has no criminal antecedent and petitioner no.2 has one criminal antecedent of similar nature as mentioned in para-3 of this application.

4. Learned APP for the State opposes the prayer for bail of the petitioners.

5. Petitioner no.1 is agreed to deposit a sum of Rs.5,000.00 (Rupees Five Thousand) and petitioner no.2 is agreed to deposit a sum of Rs.10,000.00 (Rupees Ten Thousand) in account of Mahavir Cancer Sansthan, bearing Account No.3332964762, IFSC Code: CBIN0282779, Central Bank of India, Chitkohra Branch.

6. Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their 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 learned Court below where the case is pending/successor Court in connection with Jadopur (Yadopur) P.S. Case No. 244 of 2023, subject to the condition as laid down under Section 438



(2) of the Cr.P.C, subject to the further conditions that

(i) The 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 they will inform the Court concerned if the petitioners are 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.

7. The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of the aforesaid amount in Mahavir Cancer Sansthan.

(Anjani Kumar Sharan, J)

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