

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88845 of 2024

Arising Out of PS. Case No.-185 Year-2024 Thana- NAYAGAON District- Saran

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1. Muna Sahani @ Munna Sahani S/O Dhurendra Sahani @ Ghuldhar Sahni Resident of Village- Shobhopur, Police Station- Nayagaon, District- Saran, Chapra.
 2. Kishan Mahto S/O Bhart Mahto Resident of Village- Shobhopur, Police Station- Nayagaon, District- Saran, Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Braj Nandan Kumar Tiwary, Advocate
For the Opposite Party/s : Ms. Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 07-02-2025 Heard learned counsel for the petitioners and learned APP
for the State.

2. At the very outset, learned counsel for the petitioners seeks permission to withdraw the prayer for anticipatory bail of the petitioner no. 2, as during the pendency of this bail application, he got arrested.

3. Permission is granted.

4. Accordingly, the prayer for anticipatory bail made through the instant application, on behalf of the petitioner no. 2 is dismissed as withdrawn.

5. Now, the present application is being heard for consideration of bail of the petitioner no. 1.

6. The petitioner no.1 apprehends his arrest in a case registered for the offences punishable u/s 30(a) of Bihar



Prohibition and Excise Act.

7. Altogether 110 liters of illicit country made liquor and three empty gas cylinder are said to have been recovered from the bank of river. One person was apprehended on the spot.

8. It is submitted by learned counsel for the petitioner that the petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case. No incriminating article has been recovered from the conscious physical possession of the petitioner. He has no concern either with the seized liquor or any trade of liquor. He was not apprehended on the spot. Similarly situated co-accused has been granted anticipatory bail by this court. Petitioner has one criminal antecedent as mentioned in para 3 of the bail application.

9. Petitioner is agreed to deposit a sum of Rs.5,000.00 (Rupees Five Thousand) in the account of Lawyers' Association Welfare Benevolent Fund, bearing Account No. 7801893276, IFSC Code: IDIB000L501, Indian Bank, LNMI Branch, Bailey Road, Patna.

10. Having regard to the facts and circumstances of the case, let the above named petitioner no.1, be released on bail, in the event of his 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 Nayagaon P.S. Case No.185 of 2024, subject to the condition as laid down under Section 482 (2) of the BNSS, 2023, with 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.

11. The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of aforesaid amount in the account of Lawyers' Association Welfare Benevolent Fund, Patna.

(Anjani Kumar Sharan, J)

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