

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19897 of 2021

Arising Out of PS. Case No.-394 Year-2020 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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GAUTAM KUMAR @ GAUTAM RAM Son of Bijendra Ram @ Yogendra
Ram Resident of Village- Hasanpur, Jitwarpur Ward No.01, Police Station-
Samastipur (Muffasil), District- Samatipur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh

For the Opposite Party/s : Mr. Narendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 02-07-2021 Heard learned counsel for the petitioner and learned

A.P.P. for the State through virtual Court proceedings.

Learned counsel for the petitioner undertakes to
remove the defects, as pointed out by the office, within four
weeks of resumption of normal court proceeding. In the
eventuality of non-removal of defects within undertaken period,
the office will place the matter before the Bench.

The petitioner seeks bail in a case registered for the
offence punishable under Section 30 (a) of the Bihar
Prohibition and Excise Act, 2016.

440.280 liters of foreign liquor is said to have
been recovered from the house of co-accused Ajay Paswan and
on his disclosure petitioner has been made accused in this case.



It is submitted by learned counsel for the petitioner that no incriminating article has been recovered from the conscious physical possession of the petitioner. He has no concern either with the seized liquor or the place of recovery or any trade of liquor. There is nothing on record to indicate the complicity of the petitioner barring the confessional statement of the apprehended person which has no evidentiary value in the eye of law. Petitioner has two criminal antecedents of similar nature and has been languishing in custody since 20.10.2020.

Petitioner is agreed to deposit a sum of Rs.10,000.00 (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.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released 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 Samastipur (Muffasil) P.S. Case No. 394 of 2020, subject to the following conditions:



(1) 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.

(2) that 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 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 shall be accepted by the learned Court below on showing receipt of deposit of Rs.10,000.00 (Rupees Ten Thousand) in the PM Cares fund.

(Anjani Kumar Sharan, J)

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