

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10369 of 2022

Arising Out of PS. Case No.-374 Year-2020 Thana- SABAUR District- Bhagalpur

Gautam Kumar Ram Son Of Rajendra Ram R/O Village -Mansarpur, P.S.-
Zeromile, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Manoj Kumar, Advocate

For the Opposite Party/s : Dr.Mrityunjaya Kr.Gautam, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 22-07-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Sabour P.S. Case No. 374 of 2020 registered for the alleged offences under Section 414 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case is that on receiving information about the petitioner moving with firearms, checking of vehicles was started and this petitioner tried to escape on his motorcycle. He was chased and apprehended along with co-accused Kranti Ram. From the possession of this petitioner, a



country made pistol was recovered and from the motorcycle, 5 liters of India made foreign liquor of different brands were recovered.

Learned counsel for the petitioner submits that the petitioner is innocent and nothing has been recovered from his possession. The story of recovery of a country made pistol is completely false and the liquor has not been recovered from the motorcycle of the petitioner. The charge sheet has been submitted in this case and the petitioner is in custody since 31.12.2020.

Learned APP opposes the prayer for bail submitting that the petitioner is having criminal antecedent of similar nature.

Having regard to the submissions made hereinabove and considering the fact that the charge sheet has been submitted in this case and the petitioner is in custody since 31.12.2020, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Exclusive Excise Court No.2, Bhagalpur, in connection with Sabour P.S. Case No. 374 of 2020 subject to the following conditions :



(i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.

(ii) One bailor will be the deponent, who has sworn the affidavit, and another bailor will be a close relative of the petitioner.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) The petitioner will not indulge in similar type of cases in future.

(v) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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