

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11710 of 2023

Arising Out of PS. Case No.-1037 Year-2022 Thana- GOPALGANJ TOWN District-
Gopalganj

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1. PAPPU KUMAR RAM Son of Amarjeet Ram Resident of village - Tirbirawa Ahir Toli, Police Station - Gopalganj, District - Gopalganj.
 2. Dipu Kumar @ Jitu Kumar @ Jitu Kumar Ram Son of Amarjeet Ram Resident of village - Tirbirawa Ahir Toli, Police Station - Gopalganj, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Jha
		Mr. Rajeev Ranjan
For the Opposite Party/s :		Mr. Parmanand Prasad

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 27-04-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable u/s 30 (a)(i), 41(1) of Bihar Prohibition and Excise Act.

Altogether 162 liters of country made liquor is said to have been recovered from the *palani* of the roof of the petitioners.

It is submitted by learned counsel for the petitioners that the petitioners are quite innocent and have committed no



offence. No incriminating article has been recovered from the conscious physical possession of the petitioners. They have no concern either with the seized liquor or any trade of liquor. They have been falsely implicated in this case at the instance of their enemy. They were not apprehended on the spot and their names transpired in the case only on the basis that the recovery has been made from the house of the petitioners. Petitioners are own brothers. Petitioner no.1 has one criminal antecedent of similar nature and petitioner no.2 has no criminal antecedent, as also mentioned in para-3 of the bail application.

Having regards to the facts and circumstances of the case, as the petitioner no.1 has one criminal antecedent of similar nature, I am not inclined to enlarge the petitioner no.1 on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

However, petitioner no.2 is agreed to deposit a sum of Rs.10,000.00 (Rupees Ten Thousand) in the account of Patna High Court Legal Services Committee, Patna, bearing Account No.1413010060836, IFSC Code: PUNB141320, Punjab National Bank, Bar Council Branch, Patna.

Having regard to the facts and circumstances of the



case, let the above named petitioner no.2, 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 Gopalganj Town P.S. Case No.1037 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, 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.

(2) 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.

The bail bond of the petitioner no.2 shall be accepted by the learned Court below on showing receipt of deposit of



aforesaid amount in the Patna High Court Legal Services
Committee.

Accordingly, this application is partly allowed.

(Anjani Kumar Sharan, J)

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