

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51309 of 2023

Arising Out of PS. Case No.-559 Year-2022 Thana- GOPALPUR District- Bhagalpur

1. BRAHMDEV GOUND SON OF RAMESHWAR GOUND RESIDENT OF VILLAGE- LACCHIPUR PS- ISHIPUR (PIRPANTI), DISTRICT- BHAGALPUR
2. PURUSHOTTAM GOUND SON OF KASHINATH GAUND RESIDENT OF VILLAGE- HATHMARWA, PS- ISHIPUR (PIRPAINTI), DISTT- BHAGALPUR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar Agrawal
For the Opposite Party/s: Mr. Lakshmi Kant Sharma

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 11-08-2023 Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehends their arrest in a case registered for the offences punishable u/s 279, 427 of the IPC and 30 (a) of Bihar Prohibition and Excise Act.

3. Altogether 2 liters of country made liquor is said to have been recovered from a truck. It is alleged that the petitioner no.2 rashly drove the truck and dashed police vehicle. Petitioner no.1 is the owner of the said truck and petitioner no.2 is the driver.

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



fence. 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 name transpired in the case only on the basis of suspicion. Petitioners have no criminal antecedent.

5. Petitioners are agreed to deposit a sum of Rs.10,000.00 (Rupees Ten Thousand) **each** in the account of Patna High Court Legal Services Committee, Patna, bearing Account No.1413010060836, IFSC Code: PUNB0141320, Punjab National Bank, Bar Council Branch, Patna.

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) **each** 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 Gopalpur P.S. Case No.559 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.

(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.

7. The bail bond of the petitioners shall be accepted by the learned Court below on showing receipt of deposit of aforesaid in the Patna High Court Legal Services Committee.

(Anjani Kumar Sharan, J)

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