

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59113 of 2023

Arising Out of PS. Case No.-191 Year-2022 Thana- GHOSI District- Jehanabad

1. Nazani Perveen, D/O Jakir Hussain, R/O Village- Sonwa, P.S- Ghoshi, Distt.- Jehanabad.
2. Imteyaz Ali, S/O Jakir Hussain, R/O Village- Sonwa, P.S- Ghoshi, Distt.- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Saxena, Advocate
For the Opposite Party/s : Mr. Arun Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 03-10-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. In this present case, the petitioners are apprehending their arrest in connection with Ghoshi P.S. Case No. 191 of 2022, registered on 21.04.2022 for the offences under Sections 147, 148, 149, 323, 307, 304, 506, 353 and 333 of the Indian Penal Code and Section 37 (C) of the Bihar Prohibition and Excise Act, 2018.

3. As per prosecution case, in a drive against the illicit liquor a raid was conducted at certain identified place by the police team. However, a large number of persons assembled and opposed the action of the police party and they became violent. They started brick-batting and stone pelting and they also assaulted the police party with *lathi* and *danda* causing injuries to a number of police personnel. After inquiry from the respected persons of



locality and the local *chaukidar*, the name of the petitioners along with other co-accused persons transpired in this case who were involved in the attack on the police party.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. Nothing incriminating has been recovered from the person or possession of these petitioners. Identification of the petitioners is suspect as their names surfaced in this case allegedly on the basis of disclosure statement of the respected persons of the locality and *chaukidar* but the petitioners' house is about 0.5 KM away from the place of occurrence. There is no specific allegation against the petitioners for any wrong doing. Allegations are mostly general and omnibus against both the petitioners. The injured persons were never treated in any hospital and this falsifies the prosecution case about police personnel receiving injuries. In the facts and circumstances there would be no application of Section 37 (C) of the Bihar Prohibition and Excise Act, 2018. The petitioner has got no criminal antecedent.

5. Learned APP opposes the submissions made on behalf of the petitioners. Learned APP submits that petitioners along with other co-accused persons have been involved in the attack on the police party.

6. Having regard to the facts and circumstances and



submissions made on behalf of the parties and considering the distinct lack of material against the petitioners to connect them with the offence as alleged and further considering the possibility of false implication, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty thousand Only) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.1, Jehanabad/concerned court in connection with Ghoshi P.S. Case No. 191 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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