

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62096 of 2023

Arising Out of PS. Case No.-62 Year-2023 Thana- BIND District- Nalanda

1. GAUTAM RAM @ GAUTAM KUMAR Son of Vijay Ram Resident of Village-Bind, P.S.-Bind, District-Nalanda.
2. MUNNA RAM Son of Vindeshwar Ram Resident of Village-Bind, P.S.-Bind, District-Nalanda.
3. KUNDAN KUMAR Son of Naresh Ram Resident of Village-Bind, P.S.-Bind, District-Nalanda.
4. SURAJ KUMAR Son of Vijay Ram Resident of Village-Bind, P.S.-Bind, District-Nalanda.
5. JITAN RAM @ JITENDRA RAM Son of Shambhu Ram Resident of Village-Bind, P.S.-Bind, District-Nalanda.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gopal Jha, Adv.
For the Opposite Party/s : Mr.Dilip Kumar No.1, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 17-10-2023 Heard Mr. Gopal Jha, learned counsel for the petitioners
and Mr. Dilip Kumar No.1, learned APP for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 342, 307, 504, 506, 353, 337, 338, 333, 109, 188, 114, 115, 143, 144, 145, 151, 152, 290, 291, 332, 336 and 120B of the IPC and Sections 37/45 of the Bihar Prohibition and Excise (Amendment) Act 2018.

3. The prosecution case, in brief, is that, on 04.06.2023,



on the basis of secret information, the informant along with other officials reached near the Bind Bridge, where he saw that 10-11 persons were drinking the illicit liquor. Seeing the police party, all the accused persons started fleeing away, but two of them got apprehended on the spot and disclosed the name of the petitioners. It is further alleged that when the police took the apprehended persons to the police station, then about 50-60 persons came there and attacked on the police party, but anyhow they got escaped and came to Bind Police Station with the arrested persons.

4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. No incriminating article have been recovered from the conscious physical possession of the petitioners. Petitioners have no concern either with the seized liquor or the place of recovery or any trade of liquor. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. Petitioners have been falsely implicated in this case at the instance of their enemies. They were not apprehended on the spot. There is nothing on record to indicate the complicity of the petitioners barring the confessional statement of the apprehended persons which has no evidentiary value in the eye



of law. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

5. Petitioners are agreed to deposit a sum of Rs.5,000.00 (Rupees Five Thousand) each in 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 Bind P.S. Case No. 62 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, subject to the further conditions that

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

7. The bail bonds of the petitioners shall be accepted by



the learned Court below on showing receipt of deposit of the
aforesaid amount in Patna High Court Legal Services
Committee, Patna.

(Anjani Kumar Sharan, J)

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