

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62308 of 2024

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

Uttam Ram @ Uttam Kumar Son of Vijay Ram Resident of Village - Bind,
Nalanda, P.S. - Bind, District - Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saurav Kumar Suman, Adv.

For the Opposite Party/s : Mr. Ramchandra Sahni, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 13-09-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his 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, 120(B) of the Indian Penal Code 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 Bazar, 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 petitioner. 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 petitioner that the petitioner is quite innocent and has committed no offence. No incriminating article has been recovered from the conscious physical possession of the petitioner. Petitioner has no concern either with the seized liquor or the place of recovery or any trade of liquor. The allegation levelled against the petitioner is totally false and based on concocted facts. He has been falsely implicated in this case at the instance of his enemy. He was not apprehended on the spot. Learned counsel for the petitioner further submits that there is nothing on record to indicate the complicity of the petitioner barring the confessional statement of the apprehended co-accused persons which has no evidentiary value in the eye of law. He further submits that similarly situated co-accused persons have been granted anticipatory bail by this Court vide order dated 17.10.2023 passed in Cr. Misc. No. 62096 of 2023. Petitioner has no criminal antecedent as mentioned in para-3 of this



application.

5. Petitioner is agreed to deposit a sum of Rs.5,000.00 (Rupees Five Thousand) in account of Mahavir Cancer Sansthan, Patna bearing Account No. 3332964762, IFSC Code: CBIN0282779, MICR Code: 800016018, Central Bank of India, Chitkohra Branch, Patna.

6. Having regard to the facts and circumstances of the case, let the above named petitioner, 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 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) 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) That 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 after his release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

7. The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of the aforesaid amount in Mahavir Cancer Sansthan, Patna.

(Anjani Kumar Sharan, J)

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