

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43008 of 2022

Arising Out of PS. Case No.-121 Year-2021 Thana- KOCHAS District- Rohtas

Chandan Ram @ Bilatan Ram @ Chandan Kumar Ram, Son of Lalmuni Ram
R/O Village- Mamerajpur, P.S.- Kochas, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. D. K. Sinha, Sr. Advocate

Mr. Abhinay Raj, Advocate

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 30-09-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. D K Sinha, learned senior counsel for the petitioner duly assisted by Mr. Abhinay Raj, and learned APP for the State, through video conferencing.

The petitioner seeks regular bail, who is in custody in connection with Kochas P.S. Case No. 121 of 2021 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

The police in course of patrolling intercepted a Hyundai Car and apprehended the driver of the said car. On search, 190.080 litres of Indian made foreign liquor was



recovered. It is further alleged that the driver of the vehicle disclosed that the recovered illicit wine belongs to the petitioner and one another co-accused person.

Learned senior counsel appearing on behalf of the petitioner submits that admittedly the petitioner was neither apprehended at spot nor any incriminating material has been recovered and save and except the disclosure made by the driver, who was apprehended at the spot there is no material against the petitioner. He further submits that the petitioner has neither any concern with the vehicle in question nor with the illicit wine. It is also submitted that the co-accused person, whose name was also disclosed by the driver of the vehicle in question, he has already been allowed the privilege of bail in Cr. Misc. No. 39778 of 2022 vide order dated 21.09.2022 and so far the petitioner is concerned, he being a handicapped person, is in custody since 03.09.2021.

On the other hand learned APP for the State vehemently opposes the bail application.

Regard being had to the submission made on behalf of the parties and considering the fact that the petitioner was neither apprehended at spot nor any incriminating material has been recovered and save and except the disclosure made by



the apprehended person, there is no material against the petitioner and, moreover, the co-accused person having identical allegation has already been granted bail and the petitioner is in custody since 03.09.2021, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned 13th Additional District and Sessions Judge -cum- Exclusive Special Excise Court-II, Rohtas at Sasaram in connection with Kochas P.S. Case No. 121 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal



antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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