

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58680 of 2021

Arising Out of PS. Case No.-207 Year-2021 Thana- KOTWA District- East Champaran

BALIRAM RAM @ BALIRAM S/o LATE BIPAT RAM R/o VILLAGE-
RAJAPUR AHIRALIYA WARD NO. 5, P.S-KOTWA, DISTRICT-EAST
CHAMPARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Vikash Kumar SC-11

Mr. Pushpa Sinha.1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 19-05-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner, who is in custody since 23.08.2021, seeks
regular bail in connection with Kotwa P.S. Case No. 207 of
2021 registered for offences punishable under Sections 272, 273
of the Indian Penal Code and Section 30(a), 32, 41(i) of the
Bihar Prohibition and Excise Act.

Recovery is of altogether 402 litres of different brands
of Indian Made Foreign Liquor from unnumbered Pick-up van
bearing Engine No. GHG5E79227 and Chassis No.
MA1ZN2GHKG6E87685.

Learned counsel appearing on behalf of the petitioner



submits that petitioner has clean antecedent and he is in custody since 23.08.2021. Petitioner was apprehended after chase. He was not involved in any illegal activity either loading or unloading of the liquor or he is nowhere connected with the said unnumbered pick-up van.

Sri Vikash Kumar SC-11 submits that a report is required to be submitted in this case. Admittedly, in the present case, huge quantity of liquor was recovered from an unnumbered pick-up van. Petitioner was found fleeing away from the place of recovery. Complicity of the petitioner cannot be denied.

Learned A.P.P., for the State has opposed the prayer for grant of bail to the petitioner.

Considering the nature of allegation made in the FIR, petitioner was arrested after chase, petitioner has clean antecedent and nothing has been recovered from his personal possession rather the seizure has been effected from an unnumbered pick-up van, the Court below is directed to give a specific finding with respect to the fact as to whether the unnumbered pick-up van as mentioned in the FIR is neither stolen nor owned by the petitioner. The petitioner, above named, is directed to be released on bail upon furnishing bail bond of



Rs. 100,000/- (Rupees One Lac) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Motihari, East Champaran in connection with Kotwa P.S. Case No. 207 of 2021 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

The Court below is directed to obtain a report from the Superintendent of Police as well as the Superintendent of Excise and the District Transport Officer.

(Purnendu Singh, J)

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