

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1841 of 2024

Arising Out of PS. Case No.-533 Year-2023 Thana- ROSERA District- Samastipur

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Balraj Kumar @ Balram Kumar Son of Badri Sahni @ Badri Sahani
RESIDENT OF VILLAGE- REVARA @ REWRA @ REORA, WARD NO.
4, PS- KHANPUR, DISTT- SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Madhav Kumar, Adv.

For the Opposite Party/s : Mr.Ram Sevak Choudhary, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 29-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Rosera P.S. Case No. 533 of 2023 registered for the offences
punishable under Sections 272 and 273 of the I.P.C. and
Sections 30(a) of the Bihar Prohibition and Excise Act, 2022.

3. As per prosecution case, 16.500 litre foreign
liquor was recovered from Hero Splendor Pro motorcycle in
question. Petitioner was apprehended on the spot and he
disclosed the name of co-accused Mukesh Kumar who was
driving the said motorcycle and succeeded in fleeing away from
the place of occurrence.

4. Learned counsel for the petitioner submits that



petitioner is not owner of the said motorcycle in question. He has taken lift on the motorcycle of co-accused Mukesh Kumar and he has no knowledge regarding the alleged liquor that has been kept on the said motorcycle. Petitioner was apprehended on the spot merely on the basis of suspicion. Except suspicion, there is nothing on record to demonstrate the complicity of the petitioner with the alleged occurrence. Petitioner is quite innocent and has committed no offence as alleged against him in F.I.R. Petitioner is in custody since 12.10.2023 and bears criminal antecedent of one case in which he is on bail. Learned counsel orally submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise I, Samastipur in



connection with Rosera Excise P.S. Case No. 533 of 2023,
subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

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

(Alok Kumar Pandey, J)

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