

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21005 of 2022

Arising Out of PS. Case No.-524 Year-2021 Thana- BHOORE District- Gopalganj

Parma Bhagat, aged about 45 years, Gender- Male, S/o Late Jhalar Bhagat
R/o village- Lachhichak, P.S.- Bhorey, District- Gopalganj, Bihar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Indrajeet Bhushan, Adv.
For the State	:	Mr. Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 01-06-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

Learned counsel for the petitioner is expected to honour
his undertaking given in the instant case for depositing the
requisite court fee and to remove the defects as pointed out by
office when called upon to do so by the office.

The last rites of the petitioner's son is scheduled for
02-06-2022. On this ground, mentioning slip (Flag-A) has been
filed which was allowed earlier by this Court. The matter has,
accordingly, been listed today for consideration out of turn.

The petitioner seeks bail in Bhorey *PS Case No. 524 of*
2021, instituted for the offence punishable under Sections 414
of the Indian Penal Code and Section 30(a) of the Bihar
Prohibition and Excise (Amendment) Act, 2018.



Learned counsel for the petitioner submits that in the instant case, he has been arrested merely on the statement of one *Niraj Kumar*, who was apprehended, while he was travelling on his motorcycle with 75.800 liters illicit liquor. The said *Niraj Kumar* has stated that he was carrying the same for delivering it to the instant petitioner and other co-accused Santosh Kushwaha. It is submitted that in view of the criminal antecedents of the petitioner, in two cases earlier, as per disclosure made in para 3 of the bail petition, his name has been unnecessarily dragged in this case by the police through the arrested person. There is no recovery of any illicit liquor from the petitioner's possession. The petitioner is stated to be in custody since 19-01-2022. It is further submitted that the investigation is complete.

The learned APP for the State has opposed the prayer for bail.

Having regard to the fact that there is no recovery from the petitioner's possession even as per prosecution case, the fact that investigation is complete; as also the period of custody since 19-01-2022, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.



Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of the learned *Additional District and Sessions Judge-II-cum- Special Excise Court No.-1, Gopalganj*, in connection with Bholey P. S. Case No. 524 of 2021, subject to the following conditions:-

(i) 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. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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