

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22341 of 2022**

Arising Out of PS. Case No.-70 Year-2021 Thana- MUSAHARI District- Muzaffarpur

LAXMAN BHAGAT @ LAXMAN KUMAR S/o Kailash Bhagat R/o Vill-
Dwarika Nagar, P.S.- Musahari, Dist- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan No.Ii

For the Opposite Party/s : Mr.Khurshid Anwar

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 22-07-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State

through virtual Court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Musahari
P.S. Case No. 70 of 2021 registered for the offence under
Sections 272, 273 and 34 of the Indian Penal Code and Section
30(a) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 12.02.2022.

The allegation against the petitioner is to be engaged
in illegal trade of illicit liquor, where, there is recovery of 51.84
litres of illicit IMFL.



Learned counsel appearing on behalf of the petitioner submitted that recovery has been made from jointly occupied car, as such, it cannot be said that the alleged recovery has been made from the conscious physical possession of the petitioner. It has further been submitted that name of the petitioner surfaced on the basis of confessional statement of co-accused, namely, Naveen Kumar, who has already been granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 37849 of 2021 dated 31.12.2021. It has further been submitted that petitioner is a man of clean antecedent. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that recovery was made from jointly occupied car.

Considering the facts and circumstances as mentioned above, as the alleged recovery has not been made from the conscious physical possession of the petitioner, who is a man of clean antecedent coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is



directed to be released on bail in connection with Musahari P.S.
Case No. 70 of 2021 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 Excise
Court No. 1, Muzaffarpur/concerned court, subject to the
following conditions:

*“(i)Accused/Petitioner shall
cooperate in the trial and shall be physically
present on each and every date before the
Trial Court till conclusion of the trial and
exemption from physical appearance be
allowed by the Trial Court, only on medical
ground of the petitioner duly supported by
the documents.*

*(iii) That one of the bailors shall
be Vindevasni Devi, who is the mother of the
petitioner and deponent of the present bail
petition.”*

(Chandra Shekhar Jha, J)

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