

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22369 of 2022**

Arising Out of PS. Case No.-37 Year-2022 Thana- PANJWARA District- Banka

Anil Bhagat Son Of Chamak Lal Bhagat R/O Village- Belhar Kadwara, P.S.-
Belhar, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arjun Prasad, Advocate

For the Opposite Party/s : Ms. Indu Kumari Srivastava, APP

**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.

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

The petitioner seeks bail in connection with Panjwara
P.S. Case No. 37 of 2022 registered for the offence under
Sections 30(a) and 32(2) of the Bihar Prohibition and Excise
Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 16.03.2022.

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

Learned counsel appearing on behalf of the petitioner



submitted name of the petitioner surfaced on the basis of confessional statement of co-accused, namely, Nayan Yadav and allegation is limited to work as cleaner and admittedly, this is not a case of recovery of illicit liquor from the conscious physical possession of the petitioner. It has further been submitted that petitioner is a man of clean antecedent. While concluding the argument, it has been submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded that recovery has not been made physical possession of the petitioner, as per FIR.

Considering the facts and circumstances as mentioned above, recovery has not been made from conscious physical possession of the petitioner, who is a man of clean antecedent coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Panjwara P.S. Case No. 37 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-



Vth, Banka/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.

(ii) That one of the bailors shall be Anuj Kumar Bhagat, who is the cousin brother-in-law (sala) of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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