

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39778 of 2022

Arising Out of PS. Case No.-121 Year-2021 Thana- KOCHAS District- Rohtas

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Jaynath Bhagat @ Tiwary @ Jayant Bhagat @ Jayant Bhagat Tiwary S/O
Ramasahay Bhagat Resident Of Village - Belaspur, P.S.- Kargahar, District -
Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhinay Raj, Advocate

For the Opposite Party/s : Mr.Damodar Prasad Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 21-09-2022 Let the defects, if any, be removed within four

weeks from today.

Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in

connection with Kochas P.S. Case No. 121 of 2021 for

the offences punishable under Sections 30(a), of the Bihar

Excise (Prohibition) Amendment Act.

As per the prosecution case, it is alleged that the

police intercepted the Hundai Santro car and on search

190.080 liters illicit Indian made foreign liquor was

recovered. It is further alleged that driver of the car was



apprehended and disclosed the name of petitioner (Jayant Bhagat@ Tiwari) and accused Chandan Ram as the consignor of the liquor.

Learned counsel for the petitioner submits that the petitioner had neither any concern with the recovered liquor nor with the said car. He further submits that save and except the disclosure made by the driver of the vehicle in question, there is no other material suggesting the complicity of the petitioner in the crime. He last submits that only because of his past criminal antecedent his name has been implicated in this case, and he is in custody since 03.09.2021.

On the other hand, learned counsel for the State opposed the bail application and submits that petitioner has multiple criminal antecedent.

Regard being had to the submission made on behalf of the parties and considering the fact that petitioner was neither apprehended at the spot nor any incriminating material has been recovered from his person or possession and the alleged recovery has been made from a car in question and he has no concern with the illicit liquor.



Moreover, he is custody since 03.09.2021, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned 13th Additional Sessions Judge cum Exclusive Special Judge, Excise-II Rohtas, Sasaram in connection with Kochas P.S.Case No. 121 of 2021 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The Court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal



antecedent, the court below shall take step for cancelling of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above- mentioned order shall not be delayed for purpose of or in the name of verification.

(Harish Kumar, J)

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