

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43152 of 2022

Arising Out of PS. Case No.-263 Year-2022 Thana- BIDUPUR District- Vaishali

Indra Bhagat, Son of Sri Ram Prasad Bhagat, Resident of Village-
Jurawanpur, P.S.- Bidupur, Distt.- Vaishali at Hajipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Navjot Yesu, Advocate

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 30-09-2022 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Navjot Yesu, learned counsel for the
petitioner and learned APP for the State, through video
conferencing.

The petitioner seeks regular bail, who is in custody in
connection with Bidupur P.S. Case No. 263 of 2022 registered
for the offence punishable under Section 30(a) of the Bihar
Prohibition and Excise Act, 2018.

As per the prosecution case, it is alleged that on a
secret information the house of the co-accused Manohar Bhagat
was raided and in course of search, total 207.155 litres of Indian
made foreign liquor was recovered. The apprehended accused



person disclosed that the recovered wine has been kept by co-accused Anu Tiwari and the petitioner.

Learned counsel appearing on behalf of the petitioner submits that from the FIR, it would be evident that the alleged recovery has been made from the house of one Manohar Bhagat and neither the petitioner was apprehended at spot nor any incriminating material has been recovered from his person or possession, save and except the disclosure made by the apprehended person, there is no material against the petitioner. He next submits that there is non compliance of Section 100 of the Cr.P.C., apart from the defiance of Sections 81 and 82 of Bihar Prohibition and Excise Act. He next submits that now the investigation of the crime is already complete and charge-sheet has been submitted and the petitioner is in custody since 27.05.2022.

On the other hand learned APP for the State vehemently opposes the bail application.

Regard being had to the submission made on behalf of the parties and considering the fact that recovery has been made from the house of the co-accused Manohar Bhagat, and so far the petitioner is concerned, he was neither apprehended at spot nor any incriminating material has been



recovered, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Special Prohibition & Excise Court 1st – cum – Additional District and Sessions Judge 1st, Vaishali at Hajipur in connection with Bidupur P.S. Case No. 263 of 2022, 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in



terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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