

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43558 of 2022

Arising Out of PS. Case No.-384 Year-2021 Thana- SAHPUR District- Patna

Vicky Bhagat, Son of Kedar Bhagat, Resident of village- Sherpur, P.S-
Shahpur, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Tiwary, Advocate

For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 30-09-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through video conferencing.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks from the date of resumption of
physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in
connection with Special Excise Case No. 6534 of 2021 arising
out of Sahpur P.S. Case No. 384 of 2021 registered for the
alleged offences under Section 30 (a) of the Bihar Prohibition
and Excise Act.

Allegedly, 505 liters of country made liquor has been
recovered from a Car and two co-accused persons have been
arrested, who disclosed that the recovered liquor and the vehicle
belonged to the petitioner and upon his instruction, the liquor



was being transported.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner has not been arrested from the spot and nothing incriminating has been recovered from his conscious possession. Neither the vehicle nor the recovered liquor belong to this petitioner. The co-accused Ajay Kumar, who named this petitioner, has been granted bail by a Coordinate Bench of this Court vide order dated 16.06.2022 passed in Cr. Misc. No. 72417 of 2021. Charge sheet has been submitted in this case and the petitioner is in custody since 24.05.2022. The petitioner has got clean antecedent.

Learned A.P.P. opposes the prayer for bail.

Having regard to the submissions made on behalf of the petitioner and considering the fact that the petitioner has not been arrested from the spot and no recovery has been shown from him and also considering the submission of charge sheet and the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Judge, Danapur, Patna in connection with Sahpur P.S. Case No. 384 of 2021, subject to



the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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