

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.45787 of 2022**

Arising Out of PS. Case No.-351 Year-2021 Thana- MOTIPUR District- Muzaffarpur

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Pramod Bhagat @ Pramod Kumar Son of Ram Gulam Bhagat Resident of  
village - Morsandi Mathiya, P.S.- Motipur, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Abhay Kumar, Advocate.

For the Opposite Party/s : Mr. Sucheta Yadav, APP.

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**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

2      19-10-2022                      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. Abhay Kumar, learned counsel for the  
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in  
connection with Motipur P.S. Case No. 351 of 2021, registered  
for the offences punishable under Sections 120B/34 of the  
Indian Penal Code and Sections 30(a) and 41(1)(2) of the Bihar  
Prohibition and Excise (Amendment) Act, 2018.

The allegation against the petitioner is to be engaged



in trafficking of illicit wine, the police on a secret information, conducted raid and seized one truck and two motorcycles. It is further alleged that on noticing the police party the accused persons including the petitioner succeeded in fleeing away, who were identified in the light of torch. On search total 2625.12 liters illicit liquor was recovered.

Learned counsel appearing on behalf of the petitioner submits that the petitioner was neither apprehended at the spot nor any incriminating material has been recovered from his person or possession. He further submits that the petitioner has neither any concern with the vehicle in question nor with the illicit wine. He also submits that save and except the allegation that the petitioner has been identified in the light of the torch, there is no material suggesting the complicity of the petitioner. He next submits that other co-accused persons having identical allegation have already been allowed the privilege of bail by learned Co-Ordinate Bench of this Court in Cr. Misc. No. 6506 of 2022, vide order dated 25.05.2022. While concluding his submission he submitted that the petitioner is in custody since 18.06.2022, though the investigation of the crime is already complete and the charge-sheet has been submitted.

On the other hand learned APP for the State



vehemently opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner was neither apprehended at the spot nor any incriminating material has been recovered from his person or possession, apart from the fact that another co-accused having identical allegation has already allowed privilege of bail by learned Co-Ordinate Bench of this Court, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Court No.-II, Muzaffarpur, in connection with Motipur P.S. Case No. 351 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.

**(Harish Kumar, J)**

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