

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51548 of 2022

Arising Out of PS. Case No.-448 Year-2022 Thana- MADHEPURA District- Madhepura

RAJESH KUMAR BHAGAT Son of Lalan Bhagat Resident of Village -
Srinagar, Ward No. -07, Police Station - Madhepura (Srinagar, Camp),
District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surya Narayan Yadav

For the Opposite Party/s : Mr.Md. Nazir Ansari

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 30-09-2022 Learned counsel for the petitioner is permitted to
make necessary correction in para-8 of the petition.

Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State in virtual court proceeding.

The petitioner seeks bail in connection with
Madhepura P.S. Case No. 448 of 2022, registered for the
offences punishable under Section 30(a) of Bihar Prohibition
and Excise (Amendment) Act, 2018.

As per prosecution case, there is alleged recovery
of 70.920 litres foreign liquor from car in question. Petitioner is
found sitting in the said car and is apprehended on the spot.



Learned counsel for the petitioner submits that petitioner is in custody since 16.05.2022 and bears no criminal antecedent. He further submits that petitioner is neither the driver nor the owner of the said car. Basically nothing has been recovered from the conscious possession of the petitioner and he has been falsely implicated in the case.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail 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 Session Judge-Vth-cum-Special Judge Excise-1, Madhepura in connection with Madhepura P.S. Case No. 448 of 2022, Excise Case No. 226/2022 ,subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will



remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

vashudha/-

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