

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13390 of 2023

Arising Out of PS. Case No.-1237 Year-2022 Thana- TURKAULIYA District- East
Champaran

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1. VINAY BHAGAT Son of Prabhu Bhagat Resident of Village- Majuraha,
P.S.- Raghunathpur O.P., District- East Champaran
 2. SUMAN BHAGAT Son of Prabhu Bhagat Resident of Village- Majuraha,
P.S.- Raghunathpur O.P., District- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. SUMAN BHAGAT PRABHU BHAGAT MAJURAHA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh, Adv.

For the Opposite Party/s : Mr.Awadhesh Kumar Singh, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 29-04-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Learned counsel for the petitioners seeks permission to
withdraw this application in respect of petitioner no.1,
submitting that during pendency of this application petitioner
no.1 has been apprehended by the police.

Permission is granted.

Accordingly, this application is dismissed as withdrawn in
respect of petitioner no.1 only.

Now this application survives for petitioner no.2.

The petitioner no.2 apprehends his arrest in a case



registered for the offences punishable under Sections 272, 273, 308, 34 of the Indian Penal Code and Section 30 (a), 41 (1) of the Bihar Prohibition and Excise Act, 2018.

Altogether 33 litres of country made liquor, one bundle wrapper and gas cylinder have been recovered from the house of co-accused Vinay Bhagat. Some co-accused persons were apprehended on the spot and disclosed the name of the petitioner as escaped persons.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No incriminating article has been recovered from the conscious physical possession of the petitioner rather the alleged illicit liquor is said to have been recovered from the house of co-accused Prabhu Bhagat and Vinay Bhagat. Petitioner has no concern either with the seized liquor or the place of recovery or any trade of liquor. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. Petitioner has been falsely implicated in this case at the instance of his enemy. He was not apprehended on the spot. He had not consumed liquor. There is nothing on record to indicate the complicity of the petitioner barring the confessional statement of the apprehended persons which has no evidentiary



value in the eye of law. Petitioner has one criminal antecedent as mentioned in para-3 of this application.

Petitioner no.2 is agreed to deposit a sum of Rs. 20,000.00 (Rupees Twenty Thousand) in account of Patna High Court Legal Services Committee, Patna, bearing Account No.1413010060836, IFSC Code: PUNB141320, Punjab National Bank, Bar Council Branch, Patna.

Having regard to the facts and circumstances of the case, let the above named petitioner no.2, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending/successor Court in connection with Turkauliya (Raghunathpur O.P.) P.S. Case No. 1237 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, subject to the further conditions that

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.



The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of the aforesaid amount in Patna High Court Legal Services Committee, Patna.

(Anjani Kumar Sharan, J)

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