

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37481 of 2023

Arising Out of PS. Case No.-67 Year-2022 Thana- DHURAIYA District- Banka

RAJAN KUMAR BHAGAT @ RAJAN BHAGAT SON OF LATE
UMASHANKAR BHAGAT RESIDENT OF VILLAGE-AMARPUR HAT,
AMARPUR, BANKA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh

For the Opposite Party/s : Mr.Humayou Ahmad Khan

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-06-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Dhoraiya P.S. Case No. 67 of 2022 registered for the offences
punishable under Sections 30(a)/32(ii) of the Bihar Prohibition
and Excise Act, 2018.

As per prosecution case, there is alleged recovery
of 214.5 litre foreign liquor from two motorcycles in question
and petitioner was not apprehended on the spot. It is further
alleged that one motorcycle belongs to the petitioner.

Learned counsel for the petitioner submits that
petitioner is in custody since 13.05.2023 and bears no criminal
antecedent. He further submits that petitioner has already filed a



complaint regarding his stolen motorcycle which is annexed in annexure 2 of the bail petition. He further submits that petitioner is suffering from heart disease and the petitioner is alive on pacemaker since 17.06.2015 which is also annexed in annexure 5 of the bail petition. Petitioner is quite innocent and has committed no offence as alleged against him in FIR and he has falsely been implicated in the present case and the petitioner is not apprehended on the spot.

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 and he is not apprehended on the spot, 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 District and Sessions Judge – II, Banka in connection with Dhoraiya P.S. Case No. 67 of 2022,

(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)

alok/-

U		T	
---	--	---	--

