

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42230 of 2023

Arising Out of PS. Case No.-163 Year-2023 Thana- PHULWARIYA District- Gopalganj

Jitendra Kumar Bhagat @ Jitendra Bhagat S/O Kishun Bhagat R/O Village-
Rauja, Ps. Chapra Town, Dist. Saran At Chapra (BIHAR)

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 25-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

2. Let the defect(s), if any, be removed within a period
of four weeks from today.

3. The petitioner seeks bail in connection with
Phulwariya P.S. Case No. 163 of 2023 registered for the offence
under Sections 30(a) of the Bihar Excise & Prohibition Act,
2018.

4. The accused/petitioner is named in the F.I.R. and is
in custody since 15.05.2023.

5. The allegation against the petitioner is to be
engaged in illegal trading/manufacturing of illicit liquor, where,
there is recovery of 165.300 litres of foreign liquor from the car.

6. Learned counsel appearing on behalf of the



petitioner submitted that the implication of this petitioner is out of suspicion that he was the driver of alleged car from where alleged illicit liquor was recovered. It is submitted that no recovery as alleged was made from the physical possession of this petitioner for the reason that seizure list appears doubtful being not supported by the independent witnesses, rather by police personnel. While concluding the argument, it is submitted that petitioner found involved in one more cases, where he is on bail and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

7. Learned APP, opposes the prayer of bail.

8. Considering the facts and circumstances as mentioned above as illicit liquor not appears to be recovered from the physical possession of this petitioner, where implication appears only being driver of alleged car from where illicit liquor was recovered, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 15.05.2023, accordingly, petitioner above named, is directed to be released on bail in connection with Phulwariya P.S. Case No. 163 of 2023 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 Sessions Judge-II-Cum-Special Judge Excise-I, Gopalganj/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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