

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69791 of 2023**

Arising Out of PS. Case No.-211 Year-2023 Thana- YADOPUR District- Gopalganj

Surendra Bhagat @ Surendra Kumar, son of Harishankar Bhagat @
Harishankar Prasad, resident of Village- Bagha, P.S.- Jadapur, Dist- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vyas Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Awadhesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-11-2023 Heard Mr. Vyas Kumar Mishra, learned counsel
appearing on behalf of the petitioner and the learned APP for the
State.

2. The petitioner is apprehending his arrest in
connection with Yadopur P.S. Case No. 211 of 2023 registered
for the offence punishable under Section 30 (a) of the Bihar
Prohibition and Excise (Amendment) Act, 2018.

3. The police in course of patrolling intercepted two
persons, who were coming on a motorcycle. However, noticing
the police force, one of them succeeded in fleeing away. On
search, total 108 litres of country made liquor was recovered.
The apprehended person disclosed the name of the petitioner.

4. Learned counsel appearing on behalf of the



petitioner submits that the petitioner has neither any concern with the motorcycle and the person, who was apprehended nor with the alleged recovered liquor. The name of the petitioner has been implicated only on the basis of his past criminal antecedent, identical in nature, though he is already on bail in both the cases. He next submits that there is other infirmities in search and seizure and the seizure list witnesses are none-else, but the Chaukidar of the local police station, who have falsely implicated the name of the petitioner. He lastly submits that the petitioner undertakes that he will fully cooperate in the investigation or in the proceeding of the court.

5. On the other hand, learned APP for the State opposes the bail application and submits that the petitioner is carrying two criminal antecedent over his head and he appears to be habitual offender.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner has neither any concern with the motorcycle nor with the alleged illicit liquor, coupled with the fair antecedent, let the petitioner, named above, in the event of his arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, 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 Additional Sessions Judge-II-cum-Special Excise Court No.-I, Gopalganj in connection with Yadopur P.S. Case No. 211 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further condition that one of the bailors shall be the own/close relative of the petitioner.

(Harish Kumar, J)

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