

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3656 of 2023

Arising Out of PS. Case No.-160 Year-2021 Thana- BALRAMPUR District- Katihar

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SURAJ BHAGAT Son of Nawal Kishore Bhagat @ Nand Kishore Bhagat
R/V- Ismylepur Dumra, P.S- Akbarpur (O.P Bhawanipur) Dist- Purnia

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Ajay Kumar No. 2, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 27-04-2023 1. Let the defect(s), if any, pointed out by the office

be removed within four weeks from the date of this order,

failing which the matter be listed again under the appropriate

heading for necessary action.
2. Heard learned counsel for the petitioner and

learned APP for the State.
3. Petitioner seeks regular bail in connection with

Balrampur P.S. Case No. 160 of 2021, dated 22.10.2021

registered for the offence punishable under Section 30(a) of

Bihar Prohibition and Excise Act.
4. The main submissions advanced by petitioner's

counsel are that the petitioner was not apprehended at the spot,

the alleged van from which the alleged wine was recovered,



belongs to this petitioner who was arrested due to being owner of the same and except this circumstance there is no any other material going against the petitioner and he has fair and clean antecedent and two co-accused persons namely, Ashok Mandal and Shrikant Mandal @ Srikant Kumar, have been granted bail by different Benches of this Court vide orders passed in Cr. Misc. No.18405 of 2022 and Cr. Misc. No. 24827 of 2022 respectively. Further submissions are that the co-accused Ashok Mandal, who is stated to be the driver of the alleged vehicle, was arrested at the spot and he did not disclose the name of this petitioner being involved in the smuggling of the alleged wine and petitioner was arrested merely on the basis of being registered owner of the seized vehicle. Further submission is that as per arrested co-accused Ashok Mandal, the involvement of the co-accused Shrikant Mandal @ Sirkant Kumar was mainly found in the smuggling of the alleged wine.

5. Learned APP appearing for the State has opposed the prayer for bail and submitted that the instant matter relates to the recovery of huge quantity of wine.

6. Considering the above submissions and mainly the facts that the petitioner was not apprehended at the spot and he has fair and clean antecedent and he is not named in the FIR and



against him the investigation has been completed, in my opinion it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Balrampur P.S. Case No. 160 of 2021.

(Shailendra Singh, J.)

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