

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44571 of 2024

Arising Out of PS. Case No.-21 Year-2022 Thana- ROSERA District- Samastipur

Vijay Bhagat Son of Late Domi Bhagat @ Late Kesho Bhagat Resident of
Village- Bhajan Patti Ward No.- 6, Police Station - Rosera, District -
Samastipur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate

For the Opposite Party/s : Mr. Braj Kishore Pd., APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 28-06-2024 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. The accused/petitioner is named in the FIR and apprehending his arrest in connection with Rosera P.S. Case No. 21 of 2022 registered under Sections 272, 273, 341 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act, 2018.

3. Allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there was recovery of 570.250 litres of illicit IMFL/ country made liquor.

4. It is submitted by learned counsel for the petitioner that name of petitioner appears to be surfaced on



the basis of disclosure as made by apprehended co-accused, namely, Kesho Bhagat, in furtherance of which, no incriminating material appears to be recovered from petitioner as to connect him *prima facie* with the present recovery of illicit liquor. It is also pointed out by learned counsel that petitioner is not connected in any manner with alleged vehicle and merely on the basis of relation as apprehended co-accused is the brother of petitioner, the petitioner was implicated with present case, who is otherwise a man of clean antecedent.

5. Learned APP opposes the prayer for grant of anticipatory bail to the petitioner.

6. In view of aforesaid factual submissions, as no illicit liquor appears to be recovered from possession of this petitioner, where his implication appears out of disclosure made by apprehended co-accused persons, who is a man of clean antecedent, accordingly, the petitioner, above-named, is directed to be released on bail, in the event of his arrest or surrender in the court below within a period of four weeks, on furnishing bail bond of Rs.10,000/-(Rupees Ten



Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge Excise Court No.-1, Samastipur in connection with Rosera P.S. Case No. 21 of 2022, subject to the conditions as laid down under Section 438(2) of the CrPC.

(Chandra Shekhar Jha, J.)

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