

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65285 of 2024

Arising Out of PS. Case No.-29 Year-2024 Thana- Telta District- Katihar

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Subhashish Kumar Bhardwaj S/o Sudhir Jha R/o Vill- Chatar, Ward No- 12,
P.S- Araria, (Nagar Thana), Distt- Araria

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Vijay Kishore Bharti, Adv.
For the Opposite Party/s : Mr.Meena Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 18-09-2024 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Telta P.S. Case No. 29 of 2024 dated 25.07.2024 registered for the offences punishable u/s 30(a) of the Bihar Prohibition and Excise Act and Section 25(1-B)a, 26 and 35 of the Arms Act.

3. As per the prosecution case, during the course of patrolling, when the informant reached 100 meters away from Kirora Panchayat Bhawan, he saw that one four wheeler was coming from Kirora Gram and on seeing the police party, the



driver of the said vehicle started to flee away but the said car was stopped by the police party in which two persons were apprehended by police and they disclosed their name as Subhashish Kumar Bhardwaj (petitioner) and Saurav Kumar. On search, total 313.39 litres of illicit foreign liquor was recovered from the seat and the dickey of the Hyundai Car. One loaded country made pistol was also recovered from the first aid box of the car.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner. It is further submitted that the petitioner is the driver of the said vehicle and he has no concern with the alleged recovery. The petitioner has three criminal antecedents as stated in para 3 of the bail petition. The petitioner is in custody since 25.07.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner and submitted that the recovery has been made from the conscious possession of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the recovery of country made pistol and



illicit foreign liquor from the conscious possession of the petitioner, I am not inclined to enlarge the petitioner above-named on bail.

7. The application stands rejected.

(Chandra Prakash Singh, J)

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