

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35382 of 2025

Arising Out of PS. Case No.-64 Year-2025 Thana- NAUTAN District- Siwan

Shambhu Bhagat S/o Mohan Bhagat R/o Village- Khalwa, P.S.- Nautan,
District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate

For the Opposite Party/s : Ms. Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 18-06-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail, apprehending his arrest,
in connection with Nautan P.S. Case No. 64 of 2025, dated
09.03.2025, registered for the offences punishable under Section
30(a) of the Bihar Prohibition and Excise Act, 2022.

3. As per allegation, 121 litre of illicit liquor has been
recovered from a motorcycle bearing Registration No.UP53U-
5627 standing on the road and as per further case of the police,
the petitioner was seen to be fleeing away from the place of
recovery by the people.

4. Learned counsel for the petitioner submits that the
Petitioner is innocent and has falsely been implicated in this
case. He further submits that the petitioner has nothing to do



with the alleged offence and the whole case against the petitioner is based only on suspicion without any legal basis. As such, no *prima facie* case is made out against the petitioner under the Excise Act and the present anticipatory bail petition is maintainable.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the bail petition that the petitioner has five criminal antecedents.

7. However, learned APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned concerned Court Below, in connection with Nautan P.S. Case No. 64 of 2025, subject to the conditions as laid down under Section 482 (2) of the B.N.S.S., 2023 and on



the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J)

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