

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34054 of 2025

Arising Out of PS. Case No.-57 Year-2025 Thana- Pachpakdi District- East Champaran

1. Rajkumar Bhagat S/o- Rajeshwar Bhagat @ Rajesh Bhagat Village- Rupani Jirat Tola Ps- Patahi Dist- East Champaran
2. Chandan Kumar S/o- Ganaur Raut Village- Rupani Jirat Tola Ps- Patahi Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

Mr. Hemant Ray, Advocate

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr.Gautam, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 29-05-2025 Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the State.

2. The petitioners seek regular bail in connection with Pachpakri P.S. Case No. 57 of 2025, registered for the offences punishable under Sections 30(a), 41(1) of the Bihar Prohibition and Excise Act. Petitioner have clean antecedent.

3. As per the prosecution case, two persons were apprehended while riding on a motorcycle, who disclosed their names as Raj Kumar Bhagat (petitioner no.1) and Chandan Kumar (petitioner no.2). On search total 20.40 liters of Nepali liquor was recovered from the bag of the petitioners.

4. The learned counsel for the petitioners submits that



the petitioners are innocent and have falsely been implicated in this case. He further submits that no such recovery as stated has been made from the conscious possession of the petitioner. The learned counsel further submits that the petitioners are not the owner of the motorcycle on which they were riding and they had no concern whatsoever with the seized liquor. It has lastly been submitted that the petitioners have clean antecedent and they are in custody since 30.03.2025

5. The learned A.P.P. for the State opposes the prayer for bail.

6. Considering the aforesaid submissions made by the parties and taking into account that petitioners have clean antecedent, I am inclined to grant the petitioners privilege of regular bail.

7. Accordingly, the prayer for bail is allowed.

8. Let the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the court of learned Exclusive Special Excise Court No.1, Motihari, East Champaran, in connection with Pachpakri P.S. Case No. 57 of 2025, subject to the following conditions:-



(i) One of the bailors of the petitioners shall be his close relative.

(ii) The petitioners shall remain physically present in Court on each date of the trial.

(iii) In case of absence on two consecutive dates, or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the Court concerned.

(iv) If the petitioners are found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.

(v) The learned Court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Sourendra Pandey, J)

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