

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.41809 of 2025**

Arising Out of PS. Case No.-35 Year-2023 Thana- BELA INDUSTRIAL District-  
Muzaffarpur

Shivjee Bhagat s/O Shri Mahendra Bhagat Resident of Village- Kharika Port,  
Pakhnaha, Shivram, PS- Meenapur, District- Muzaffarpur, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

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

For the Opposite Party/s : Mr. Md. Nazir Ansari, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH  
MISHRA**

ORAL ORDER

2      03-07-2025                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner seeks bail in connection with Bela  
P.S. Case No. 35 of 2023, instituted for the offences punishable  
under Sections 272, 273, 34 of the Indian Penal Code, read with  
Sections 30(a), 32(ii) and 41(1) of the Bihar Prohibition and  
Excise Act.

3. The prosecution case, in short, is that, total  
13731.840 liters liquor was recovered out of which 1413 liters  
of liquor was recovered from the pick-up vehicle of the  
petitioner.

4. Learned counsel for the petitioner submits that the  
petitioner is innocent and has falsely been implicated in the  
present case. No incriminating material has been recovered from



the conscious possession of the petitioner. The petitioner has got no concern with the alleged recovery of liquor. Learned counsel for the petitioner also submits that the petitioner was not present at the place of occurrence. Name of the petitioner has transpired in this case as being owner of the vehicle in question and has got no knowledge with regard to the nature of goods transported in this vehicle. The petitioner is in custody since 15.05.2025 and has got one criminal antecedent in which he is on bail. There is no compliance of Section 103 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Bela P.S. Case No. 35 of 2023.

**(Rudra Prakash Mishra, J)**

Rajorshi/-

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