

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.26206 of 2020**

Arising Out of PS. Case No.-43 Year-2020 Thana- MOTIPUR District- Muzaffarpur

LALU BHAGAT Son of Birendra Bhagat @ Birendra Prasad Kushwaha
Resident of Village - Bathana, P.S.- Motipur, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 19-10-2020 Heard learned counsel for the petitioner and Mr.
Akhileshwar Dayal, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Motipur P.S. Case No.43/2020 registered for the offence under Sections 272 and 273 of the Indian Penal Code and Sections 30(a), 41(1)(2) of the Bihar Prohibition and Excise Act, 2016. He is in custody since 02.04.2020.

The allegation against the petitioner is that in course of raid from the house 212 liters of illicit liquor have been recovered.

Learned counsel for the petitioner submits that although in paragraph '3' it is stated that the petitioner has got no criminal antecedent, but he has filed a supplementary affidavit stating therein that the petitioner is an accused in Motipur P.S. Case No.69 of 2014 and he is on bail in the said case.



On the other hand, learned APP for the State has though opposed the prayer for regular bail of the petitioner but considering the facts and circumstances of the case wherein the petitioner has remained in jail for more than six months and now investigation against him is complete and there is no submission that his release is likely to interfere with the course of trial, let the petitioner abovenamed be released on bail on furnishing bail bond of Rs.25,000 (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Muzaffarpur in connection with Motipur P.S. Case No.43/2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any Police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take steps for cancellation of bail bond of the



petitioner.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

