

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 30337 of 2020**

Arising Out of PS. Case No.-39 Year-2020 Thana- THAWE District- Gopalganj

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RAMCHANDRA BHARTI @ BAKARIYA BABA @ BAKARIA BABA Son
of Satyanarayan Bharti @ Satyanarayan Bharti Resident of Village- Chanawe,
Police Station, Thawe, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Sanjay Kumar, Advocate

For the Opposite Party/s : Mr Rajive Nayan, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 23-11-2020 As of now, the Courts have not resumed normal
physical hearing. The matter has been listed today for
consideration through Video Conferencing.

Learned counsels are appearing and making
submissions from their residence. The Court Master and
Secretary are also part of this virtual Court proceedings with the
aid of audio visual technology.

Heard learned counsel for the petitioner.

Mr Rajive Nayan, APP is appearing as it is submitted
that the brief has been allotted to him by the Office of Advocate
General.

The petitioner seeks bail in Thawe Police Station (for
brevity, PS) Case No 39 of 2020 instituted for the offence



punishable under Section 30 (a), 37 (b) of Bihar Prohibition and Excise Act, 2016/2018.

The prosecution case is that four persons started fleeing away on seeing the police. Three persons were apprehended on chase. One of the apprehended persons disclosed the name of the petitioner as the person who fled away. 34 liters wine has been recovered from the hut and motorcycle, without registration number, has also been seized.

It is submitted by the petitioner's counsel that owing to criminal antecedents, the petitioner has falsely been implicated in this case on basis of statement of co-accused Ajay Bharti with whom he has previous enmity. Even as per prosecution case, the petitioner was not apprehended at the place of recovery. He has no connection with the seized motorcycle or the hut from where the recovery has been made and is in custody since 30.06.2020.

The learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of



Additional Sessions Judge II -cum- Special Judge (Excise),
Gopalganj in Thawe PS Case No 39 of 2020 subject to the
following conditions:-

(i) That one of the bailors will be a close relative of
the petitioner who will give an affidavit giving genealogy as to
how he is related with the petitioner. The bailor will also
undertake to inform the Court if there is any change in the
address of the petitioner.

(ii) That the petitioner will be well represented on
each date and if he fails to do so on two consecutive dates, his
bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to
honour his undertaking given in the instant proceedings today
for depositing requisite Court fee and removing the defect (s), as
pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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