

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.12890 of 2021**

Arising Out of PS. Case No.-126 Year-2020 Thana- SONBERSA District- Sitamarhi

CHITRANJAN BHAGAT S/o Khakhan Bhagat Resident of Village- Haribela,
P.S.- Bathnaha, Distt- Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

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

2 15-06-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Sonbarsa P.S. Case No. 126 of 2020 registered for the offences punishable under Sections 414, 420, 272 and 273 of the Indian Penal Code and Section 30(A) of Bihar Prohibition and Excise Act.

Learned counsel for the petitioner submits that as per the prosecution story the informant got secret information that a consignment of illicit wine was being unloaded near Munilal



College from a truck. The informant along with police party reached the said place and saw nine persons unloading cartons from the truck. On seeing the police the accused persons tried to flee away but two of them were apprehended and disclosed that they had to deliver the illicit liquor to eight persons including the present petitioner.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that the nothing has been recovered from the conscious possession of the petitioner and he has been made accused on the confessional statement of the co-accused. Learned counsel submits that petitioner has got no criminal antecedent and is in custody since 04.10.2020.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that the name of the petitioner has transpired in the confessional statement of the apprehended accused who disclosed that he had to deliver the illicit liquor to eight persons including the present petitioner, the petitioner was not arrested on the spot and no recovery has been made from his possession



so far, he has otherwise got no criminal antecedent and in connection with the present case he has remained in jail since 04.10.2020, investigation against him is complete but the trial is not likely to be concluded in near future, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.D.J-II-cum-Special Judge, Excise Act, Sitamarhi in connection with Sonbarsa P.S. Case No. 126 of 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 step for cancellation of bail bond of the petitioner. 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.

This application stands disposed of accordingly.

(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'.

