

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13063 of 2021**

Arising Out of PS. Case No.-285 Year-2020 Thana- BIBHUTIPUR District- Samastipur

=====

SANJAY KUMAR BHARTI S/O JAGAT NARAYAN SINGH, R/O
VILLAGE- KODARIYA, P.S.-BIBHUTIPUR, DISTRICT-SAMASTIPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate Mr. Mirityunjay Kumar, Advocate Ms. Preety Kunwar, Advocate
For the Opposite Party/s :		Mr. Murlidhar, APP

=====

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 05-08-2021 In view of sudden resurgence of COVID–19 infection

there is limited functioning of the High Court and therefore the

matter has been listed for consideration through virtual mode.

Heard learned counsel for the petitioner and the
learned APP for the State.

This Court would expect that the petitioner’s Counsel
would honour his undertaking in the instant proceedings
regarding supply of requisite court fee etc. within two weeks
from the date he is called upon to do so by the office.

Petitioner seeks bail in Bibhutipur/Vibhutipur P.S.
Case No. 285 of 2020 registered for offence punishable under
sections 272/273 of the Indian Penal Code, under section 30 (a)
of Bihar Prohibition and Excise Act and under sections 25(1-b)



(a), 26/35 of the Arms Act.

90 litres foreign liquor was recovered from a 'Bolero' vehicle in which the petitioner was seated. Also 4410 litres foreign liquor has been recovered from a truck.

The learned Senior Counsel submits that the petitioner is on bail in the two cases pending against him since before. The recovery is not in accordance with law. It is a false case. The live cartridges and blank magazine has been planted. The petitioner's victimization is based on criminal antecedent and he is in custody since 24.09.2020.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act or Successor Court, Samastipur in Bibhutipur/Vibhutipur P.S. Case No. 285 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



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.

(Madhuresh Prasad, J)

Mahesh/-

U		T	
---	--	---	--

