

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13106 of 2021**

Arising Out of PS. Case No.-76 Year-2020 Thana- GOPALPUR District- Gopalganj

Saral Bhagat, Son of Mangal Bhagat, Resident of Village - Shahpur Hatta
Tola, P.S.- Gopalpur, District - Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vyas Kumar Mishra, Advocate
For the Opposite Party/s : Mr.Panchanand Pandit, APP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

2 16-07-2021 The matter has been taken up today for consideration
through video conferencing.

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

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

The petitioner seeks bail in connection with
Gopalpur P.S. Case No.76 of 2020 registered for the offence
punishable under Sections 272, 273, 420 of the Indian Penal
Code and Sections 30(a) of the Bihar Prohibition and Excise
Act, 2018.

73.600 litres illicit liquor has allegedly been



recovered from a bag on the motorcycle being driven by the petitioner.

Petitioner's counsel submit that it is a case of false implication. Recovery is not in accordance with law and not from his conscious possession. He is in custody since 13.10.2020. There is one criminal antecedents pending against him since before, in which he has been allowed bail.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned court of Additional District & Sessions Judge-II-cum-Special Judge, Excise, Gopalganj, in connection with Gopalpur P.S. Case No.76 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.

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

(Madhuresh Prasad, J)

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