

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14854 of 2021**

Arising Out of PS. Case No.-255 Year-2019 Thana- BATHNAHA District- Sitamarhi

Chitranjan Bhagat, aged about 36 years, Gender- Male son of Khakhan
Bhagat, Resident of village- Haribela, P.S. Bathnaha, District-Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opp Party

Appearance :

For the Petitioner : Mr. Virendra Kumar, Advocate
For the State : Mr. Binod Kumar No.3, APP

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

2 27-08-2021 In view of the sudden resurgence of Covid-19 infection,

there is limited functioning of the High Court and, therefore, the

matter has been listed today for consideration through virtual

mode.

Learned counsel for the petitioner is expected to honour
his undertaking given in the instant case for depositing the
requisite court fee and to remove the defects as pointed out by
office when called upon to do so by the office.

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

The petitioner seeks bail in Bathnaha P.S. Case No.255
of 2019, instituted for the offence under Section 30(a) of the
Bihar Prohibition and Excise Act, 2018.

From the '*Bhusha ghar*' there is alleged recovery of



1750.92 ML illicit foreign liquor. The prosecution case is that the women present there disclosed that the house belongs to the petitioner. Under such circumstances, the petitioner is stated to be in custody since 09.11.2020. The '*Bhusha ghar*' was an open place having access to one and all. The petitioner, therefore, as per learned counsel for the petitioner, cannot be saddled with the criminal liability for recovery. The petitioner is accused in another case also, namely, Bathnaha P.S. Case No. 126 of 2020. Other than suspicion, there is nothing to connect the petitioner with the alleged recovery which is not in accordance with law.

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

Considering the rival submissions as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner counsel. Prayer for bail of the petitioner is allowed. 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 **2nd Additional District & Sessions Judge-cum- Special Judge, Excise Act, Sitamarhi**, in connection with **Bathnaha P.S. Case No. 255 of 2019**, 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.

(Madhuresh Prasad, J)

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