

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32979 of 2020

Arising Out of PS. Case No.-513 Year-2020 Thana- MADHEPURA District- Madhepura

Saroj Bhagat, aged about 44 years, Male, Son of Badri Bhagat, Resident of Village- Shripur, Ward No.10, Police Station- Madhepura, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Uday Chand Prasad, Advocate
For the State	:	Mr. Uma Nath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 15-01-2021

Heard Mr. Uday Chand Prasad, learned counsel for the petitioner and Mr. Uma Nath Mishra, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The matter was taken up out of turn when the Court was to rise and on prayer made by learned counsel for the petitioner that he is not well and has come to Court today and, thus, the matter be taken up so that he is not required to come on another day.

3. The Court acceding to such request has taken the matter even after the Court was to rise.

4. The petitioner is in custody in connection with Madhepura PS Case No. 513 of 2020 dated 05.07.2020, arising out of Excise Act Case No.435 of 2020, instituted under Section



30(a) of the Bihar Prohibition and Excise Act, 2016.

5. The allegation against the petitioner is that when the police caught a truck in an orchard, they found 601.14 litres of different brands of foreign liquor which was seized and on spot query, the locals disclosed the names of three persons as supplier, including the petitioner.

6. Learned counsel for the petitioner submitted that there is no recovery from him and he was also not caught at the spot. It was further submitted that he has no connection with the recovery as neither the orchard nor the truck belongs to the petitioner. It was submitted that the petitioner having no criminal antecedent is in custody since 17.08.2020.

7. Learned APP submitted that the locals have disclosed the name of the petitioner and two others, as suppliers of liquor.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Act, Madhepura in Madhepura PS Case No. 513 of 2020 arising out of Excise Act Case No.435 of 2020, subject to the conditions (i) that one of the bailors shall be a close relative of



the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any illegal/criminal activity, act in violation of any law/statutory provisions, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

9. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

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