

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3950 of 2021

Arising Out of PS. Case No.-65 Year-2020 Thana- MOTIPUR District- Muzaffarpur

SUBODH BHAGAT SON OF TILAK BHAGAT ALIAS RAM SAGAR
BHAGAT RESIDENT OF VILLAGE DAKAHI BARURAJ PS BARURAJ,
DISTRICT- MUZZAFARPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Shekhar Anand, Advocate

For the Opposite Party/s : Mr. Akshay Lal Pandit, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 23-06-2021 Heard Mr. Chandra Shekhar Anand, learned counsel
for the petitioner and Mr. Akshay Lal Pandit, learned Additional
Public Prosecutor appearing for the State through video
conferencing.

Petitioner seeks regular bail in connection with
Motipur P.S. Case No. 65 of 2020 registered for the offence
punishable under Section 30(a) and 41(1)(2) of the Bihar
Prohibition and Excise (Amendment) Act, 2018.

The allegation as per the First Information Report is
that the Police intercepted a truck and recovered 5975.640 litres
of foreign liquor from the same and arrested three accused
persons including the Driver and Khalasi and one of the arrested
co-accused persons namely, Binod Kumar, disclosed the name



of the petitioner stating that the consignment of liquor was being brought at the instance of the petitioner and other co-accused persons.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case on the basis of disclosure of name of the petitioner by the arrested co-accused persons and no illicit liquor has been recovered either from conscious possession of the petitioner or the vehicle belonging to him. Learned counsel further submits that the petitioner has been remanded in this case from Baruraj P.S. Case No. 7 of 2020 which was lodged on 3.7.2020. Learned counsel also submits that three other cases of Excise Act have been lodged against the petitioner on the basis of confessional statement made by the co-accused, out of which, the petitioner is on bail in two cases. Learned counsel next submits that the co-accused Binod Kumar, on whose disclosure the name of petitioner transpired and dragged in this case, has been granted bail by a co-ordinate Bench of this Court vide order dated 3.7.2020 passed in Cr. Misc. 21471 of 2020. Learned counsel next submits that other co-accused persons namely, Devanand Rai, Arun Rai and Monu Kumar have been granted bail by different co-ordinate Benches of this Court in Cr. Misc. Nos. 24028 of



2020, 28185 of 2020 and 35689 of 2020 respectively.

Having regard to the submissions made by the parties and taking into consideration the materials on record, the fact that similarly situated co-accused persons have been granted bail by different co-ordinate Benches of this Court and petitioner is in custody since 3.7.2020 as well as charge sheet has already been submitted in the matter, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.25,000/- (Twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Muzaffarpur, in connection with Motipur P.S. Case No. 65 of 2020.

It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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