

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2262 of 2021

Arising Out of PS. Case No.-319 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Siwan

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Jaiprakash Bhagat, son of Shivji Bhagat @ Shivaji Bhagat, R/O Village-
Ukhai Purvi Patti, P.S.- Pachrukhi (Sarai OP), Distt-Siwan

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Prashant Kumar, Advocate
For the State	:	Smt. Meena Singh, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 02-06-2021 This matter has been taken up today for consideration

through video conferencing in view of resurgence of COVID-19

Pandemic.

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 Excise
Case No.CIII 319/2020 instituted for the offence punishable
under Section 30(a) of the Bihar Prohibition and Excise Act,
2016.



Since 28.10.2020, the petitioner is stated to be in custody. There is an alleged recovery of 180 litres country made liquor from a secret location of co-accused Rahul Kumar. The petitioner has been apprehended in an inebriated condition.

Counsel for the petitioner submits that even as per the prosecution case, the police had proceeded to make recovery from a secret location of co-accused Rahul Kumar. Petitioner has no concern and his implication is based on extraneous considerations. There is no recovery from the petitioner of any intoxicant. On account of his criminal antecedents, he has falsely been implicated in this case and is in custody since 28.10.2020. He is on bail in other two cases pending against him since before as per the detail stated in paragraph 2 of the bail petition.

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

Considering the rival submissions, this Court is inclined to allow 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 Additional District & Sessions Judge-



II-cum-Special Judge (Excise), Siwan, in connection with
Excise Case No.CIII 319/2020, subject to the following
conditions:

(i) That one of the bailors of the
petitioner 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
bonds 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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