

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5310 of 2021

Arising Out of PS. Case No.-98 Year-2020 Thana- KATHAIYA District- Muzaffarpur

LALDEV BHAGAT Son of Saryug Bhagat Resident of Village - Pich Pura,
P.S.- Paru, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Satyadev Pd. Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 06-04-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State through video
conferencing.

The petitioner has filed the instant application for grant of
regular bail in connection with Kathaiya P.S. Case no. 98/2020
registered under sections 272, 273 and 34 of the Indian Penal Code
and section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per allegation in the first information report, on
information having been received a raid was conducted by the police
personnel and while two accused persons were caught with 770
litres of liquor, it is stated that the other accused persons managed to
escape. The accused persons who were caught took the name of the
petitioner as one of the accused who had escaped.

It is submitted by learned counsel for the petitioner that
neither the petitioner was caught at the place of occurrence nor any
incriminating article has been recovered from his possession. He has



no concern with the article or with the seized liquor. He has no criminal antecedent and is in custody since 1.9.2020.

The application for bail is opposed by learned Additional Public Prosecutor for the State.

Having heard learned counsel for the parties and taking into consideration that the petitioner has no criminal antecedent together with the period in custody, the Court is inclined to enlarge the petitioner on bail. The petitioner is directed to be enlarged on bail in connection with Kathaiya P.S. Case no. 98/2020 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Muzaffarpur.

In case at any stage it is found that the petitioner had criminal antecedent, the learned court below shall proceed to cancel the bail bond of the petitioner and take him into custody.

(Partha Sarthy, J)

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