

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30902 of 2021

Arising Out of PS. Case No.-415 Year-2020 Thana- KATEYA District- Gopalganj

Surendra Bhagat S/O Late Ram Lal Bhagat R/o village- Ranipur, Ward No. 2,
P.S.- Kateya, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pritish Ranjan, Advocate

For the Opposite Party/s : Mr. Anil Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 31-01-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State in Virtual Court
proceeding.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in connection with Kateya P.S.
Case No. 415 of 2020 registered for the offences punishable
under Sections 30(a) of Bihar Prohibition and Excise
(Amendment) Act, 2018.

According to prosecution case, as per F.I.R. and
seizure list, after seeing the police force the petitioner and
another co-accused having left their motorcycle and bag
succeeded to flee away, during search 130.6 liters illegal wine



have been recovered which was kept in a bag.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. and seizure list that nothing has been recovered from conscious possession of the petitioner, rather the recovery has been made from the bag kept on the motorcycle bearing Reg. No. UP-52E-7979. He further submits that the name of the petitioner has come by the local Chawkidar and no independent eye witnesses of the seizure list. The petitioner is in custody since 20.01.2021.

The learned Additional Public Prosecutor opposed the prayer for bail, submitting that petitioner carries three criminal antecedents.

Considering the aforesaid facts and circumstances, 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 and Sessions Judge-cum-Special Judge, Excise, Gopalganj in connection with Kateya P.S. Case No. 415 of 2020, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and



shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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