

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51929 of 2021**

Arising Out of PS. Case No.-239 Year-2020 Thana- MOTIPUR District- Muzaffarpur

SATAYANARAYAN BHAGAT @ SATNA BHAGAT S/O BHOLA BHAGAT
R/o village- Bajitpur, P.S.- Motipur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER**

3 01-04-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing in view of
COVID 19.

The petitioner is in judicial custody since 10th of July,
2021 in connection with Motipur P.S. Case No. 239 of 2020
registered under Sections 272 and 273 of the Indian Penal Code
and Section 30(a), 42(1) (2) of the Bihar Prohibition and Excise
Act, 2018 pending before the Court of Special Judge, Excise,
Muzaffarpur.

The allegation, as per the First Information Report, is
that upon information when the police personnel reached a
particular place they saw one pick-up van, a motorcycle and 4 to
5 persons standing there who started fleeing away from that
place. One co-accused Badal Rai was apprehended, who



confessed the names of other person as Sunil Rai, Dharmendra Rai and the petitioner herein. The said co-accused, Badal Rai further confessed to the police that the petitioner herein had come to take the spirit that was loaded in the pick-up van brought by Sunil Kumar and Dharmendra Rai. Upon search of the said vehicle 39 gallons of 35 litres of spirit were found. Those were seized, seizure list was prepared and an First Information Report was instituted.

Learned counsel for the petitioner submits that the petitioner has not been arrested from the spot. His name cropped up on the statement made by co-accused, Badal Rai. He further submits that no recovery has been made from the possession of the petitioner nor he is owner or driver of the pick-up van or motorcycle.

He further submits that co-accused Badal Rai, who was arrested from the spot, has since been released on bail by a bench of this Court vide order dated 16.04.2021 passed in Cr. Misc. No. 7830 of 2021

Taking into account the submissions put forward by the learned counsel for the petitioner as also the fact that one of the co-accused, Badal Rai has since been released on bail, let the petitioner be released on bail on furnishing bail bond of Rs.



10,000/- (Rupees Ten Thousand) with two sureties of like amount each to the satisfaction of learned Special Judge, Excise, Muzuffarpur in connection with Motipur P.S. Case No. 239 of 2020 with the following conditions :-

(i) he shall visit the concerned police station every fortnight for three months.

(ii) he shall cooperate in the trial and ensure his presence on each and every date and failure to do so for two consecutive dates without sufficient reason will lead to initiation of process for cancellation of his bail bonds by the State.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Jagdish/-

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