

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54426 of 2021**

Arising Out of PS. Case No.-70 Year-2021 Thana- MUSAHARI District- Muzaffarpur

Mahadeo Bhagat Son Of Sri Ugam Bhagat R/O Village- Dwarika Nagar, P.S.-
Mushahari, Dist.- Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar, Adv
For the Opposite Party/s : Mr.Murli Dhar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 20-01-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State in virtual Court proceeding.

The petitioner seeks bail in connection with Mushahari P.S.Case No.70 of 2021 registered for the offence under Sections 272,273 and 34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

51.840 liters of foreign liquor was recovered from the Car which was lying on the door of co-accused, namely, Navin Kumar.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present



case. He further submits that the name of the petitioner has come in the present case on the confessional statement of co-accused, namely, Navin Kumar, who confessed that the petitioner was involved with him in the business of liquor. He further submits that it appears from the FIR itself that nothing has been recovered from the conscious possession of the petitioner. Recovery has been made from the Car in question which was recovered in front of the house of co-accused, namely, Navin Kumar. Petitioner is in custody since 07.08.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the aforesaid facts and period of custody, 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 learned Special Judge, Excise, Muzaffarpur in connection with Mushahari P.S.Case No.70 of 2021 with 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/her absence on two consecutive dates without sufficient



reason, his/her 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.

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)

Nitesh/-

U		T	
---	--	---	--

