

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40168 of 2023

Arising Out of PS. Case No.-67 Year-2023 Thana- SAHARGHAT District- Madhubani

SHUBHNARAYAN BHAGAT @ SUBH NARAYAN BHAGAT Son of Ram
Sevak Bhagat Resident of village - Mukhiyapatti, P.S.- Saharghat, District -
Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ravi Prakash, Advocate Mr. Gagan Deo Yadav, Advocate Mr. Rajesh Kumar, Advocate
For the Opposite Party/s :		Ms. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 14-07-2023 Heard the parties.

The petitioner is in custody in connection with Saharghat P.S. Case No. 67 of 2023 for the offence under Sections 272, 273 and 414 of the Indian Penal Code and 30(a) of Bihar Prohibition and Excise Act 2018 lodged on 07.05.2023 by the informant, Abhishek Anand.

The allegation in the F.I.R. is that the Police upon information, raided the house of the accused person and upon search, 233.6 liters of illicit liquor and a stolen motorcycle recovered/seized. Accordingly, the F.I.R.

Learned counsel for the petitioner submits that it is a joint house and as such the recovery/seizure cannot be attributed



to him and further he has already suffered by being in custody since 08.05.2023 (as stated in paragraph 15 of the petition).

Learned APP opposes the prayer for bail.

Considering the aforesaid submissions put forward by the learned counsel for the petitioner as also that he has remained in custody since 08.05.2023, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-II cum Special Judge (Excise Act), Madhubani, in connection with Saharghat P.S. Case No. 67 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark his attendance;



(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the application is allowed.

(Rajiv Roy, J)

Jagdish/Kiran/-

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