

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61660 of 2017

Arising Out of PS.Case No. -84 Year- 2017 Thana -DUMRIAGHAT District-
EASTCHAMPARAN(MOTIHARI)

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Kanhaiya Upadhya @ Kanhaiya Upadhyay S/o Late Jokhan Upadhya
resident of Village - Majhaulia, P.S. - Majhaulia, District - West
Champaran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

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

For the State : Mr. Lakshmi Kant Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 21-12-2017 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
Dumariyagaht P.S. Case No. 84 of 2017 instituted for the offences
under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 399 liters of
foreign liquor from a pick up van, however nobody was present in
the said vehicle since the accused persons travelling in the said
vehicle had fled away.

The learned counsel for the petitioner submits that the
said car was being driven by his driver and khalashi and the Police
on the basis of the owner-book found in the said vehicle, has
implicated the petitioner herein. Although neither any recovery



has been effected from the conscious possession of the petitioner nor the petitioner was having knowledge about the said liquor being carried in the said van. It is further submitted that the petitioner has a clean antecedent and he is in custody since 16.10.2017.

Considering the nature of accusation, the period of custody already undergone and the fact that the petitioner has got a clean antecedent, I direct the petitioner named above to be released on regular bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Motihari, East Champaran in connection with Dumariyaghat P.S. Case No. 84 of 2017.

(Mohit Kumar Shah, J)

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