

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47758 of 2017

Arising Out of PS.Case No. -134 Year- 2017 Thana -BUXAR INDUSTRIAL District- BUXAR

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1. Mohit Upadhyay @ Mohit Kumar Upadhyay @ Satya Prakash Upadhyay
@ Mohit Kr. Upadhyay, Son of Vinod Kumar Upadhyay, resident of
Village Vishnupuri Jaso, P.S. Buxar (M), District- Buxar.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Roy

For the Opposite Party/s : Mr. Smt. Nirmala Kumari

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 12-10-2017 Heard the parties.

The petitioner seeks regular bail in connection with
Buxar (I) P.S.Case No.134 of 2017, G.R.No.2168 of 2017
registered for offences punishable under Sections 272 and 273
30(a) and 41(1) of the Bihar Prohibition and Excise Act, 2016.

Allegation against the petitioner is about recovery of
20 ltrs. of country-made liquor from the motorcycle of the
petitioner.

Submission of the learned counsel for the petitioner is
that the petitioner has been falsely implicated in this case and he
has no criminal antecedent. The petitioner has remained in custody
for about 1 ½ months.

Heard learned A.P.P. also.



Having heard both sides and in view of the facts and circumstances, as stated above, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J. II-cum-Special Judge, Excise Act, Buxar in connection with Buxar (I) P.S.Case No.134 of 2017, G.R.No.2168 of 2017.

With following conditions :

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall co-operate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reason, his bail bond shall be cancelled.
- (iv) If his active participation is found in such type of cases in future, his bail bond shall be cancelled.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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