

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.19139 of 2019**

Arising Out of PS. Case No.-43 Year-2019 Thana- SUPAUL District- Supaul \*

UPENDRA CHAUDHARI S/o Late Bhutay Chaudhari R/o village-  
Banmankhi, P.S.- Banmankhi, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Rama Kant Singh

For the Opposite Party/s : Mr.Amarendra Prasad

**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
**ORAL ORDER**

2      29-03-2019                      Heard learned counsel for the petitioner and learned  
APP for the State.

Petitioner is languishing in judicial custody since  
22.01.2019 in connection with Supaul P.S. Case No. 43 of 2019  
in ST (Excise) No. 48 of 2019 for offences punishable under  
Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as lodged by the police  
personnel, is that during patrolling duty they received a secret  
information that a white colour Toyota car is being plied along  
with illicit liquor. The police found that the said vehicle was  
escorted by three motorcycle borne culprits, who on seeing the  
police fled away leaving the motorcycle. The Toyota car was  
intercepted, from which four persons including two ladies were  
apprehended and the petitioner was the driver of the said  
vehicle. On search, 90.675 litres of illicit liquor was recovered



from the vehicle. Accordingly, a seizure-list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and nothing has been recovered from his conscious possession. He submits that petitioner was just a driver of the said vehicle and did not know that the illicit liquor was concealed in the vehicle. Petitioner undertakes to cooperate in the investigation and not to tamper with the prosecution evidence.

However, learned APP for the State opposes the prayer for bail.

Considering the nature of allegations, period of custody and the fact that petitioner was a driver of the said vehicle and bears no criminal antecedent, as stated in paragraph 3 of this application, let petitioner, above named, be enlarged 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 ADJ-II cum Special Judge (Excise), Supaul, in connection with Supaul P.S. Case No. 43 of 2019 in ST (Excise) No. 48 of 2019.

**(Nilu Agrawal, J)**

Rajesh/-

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