

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74558 of 2019**

Arising Out of PS. Case No.-34 Year-2017 Thana- KHAJEKALA District-
Patna

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UPENDRA RAI Son of Late Sovit Rai Resident of Village - Ghagha Gali, P.S.-
Chowk, Distt.- Patna.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Rudal Singh, Advocate.

For the Opposite Party: Mr. Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 27-11-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody since 23.09.2019 in connection with Special Case No. 927 of 2017 arising out of Khajekalan P.S. Case No. 34 of 2017 for the offences alleged under Section 290 of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise Act, 2016.

3. It is submitted that the petitioner has been falsely implicated in connection with recovery of 8 litres of country made wine. The petitioner's name has transpired on the confessional statement of co-accused Vikash Kumar and Sonu Kumar, except which there is no objective material to connect the petitioner with the alleged occurrence. The recovery of the offending articles has been made from the said co-accused persons. The petitioner is accused in two prior case of different nature.

4. Be that as it may, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/-(ten



thousand) with two sureties of like amount each to the satisfaction of learned Special Judge, Excise, Patna, in connection with Special Case No. 927 of 2017 arising out of Khajekalan P.S. Case No. 34 of 2017, on the following conditions-

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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