

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.38660 of 2021**

Arising Out of PS. Case No.-42 Year-2021 Thana- JAMHOR District- Aurangabad

Upendra Kumar Singh, S/O Late Mukhdeo Singh, R/O Village-Chulhai  
Bigha, P.S.- Jamhore, District- Aurangabad

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Bhaskar Shankar, Advocate

For the Opposite Party/s : Mr.Nitya Nand Tiwary, APP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL ORDER**

2      14-12-2021                      Heard learned counsel for the petitioner and the  
learned APP for the State.

The petitioner seeks bail in connection with Jamhore  
P.S. Case No.42 of 2021 registered for the offence punishable  
under Section 30(a) of the Bihar Prohibition and Excise Act.

There is alleged recovery of 291 litres country made  
liquor from two motorcycles. Petitioner was travelling on one of  
them.

It is submitted that some dispute arose during course  
of checking of the vehicles, whereafter the petitioner having no  
antecedents, has been falsely implicated and based on such false  
recovery, in violation of the mandatory procedure prescribed  
under Section 100 Cr.P.C., he is in custody since 27.03.2021.

Learned APP for the State has opposed the prayer for



bail.

Considering the rival submission as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Accordingly, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the court of learned Additional Sessions Judge-II cum Special Judge, Excise, Aurangabad, in connection with Jamhore P.S. Case No.42 of 2021, subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.



This Court would expect that the petitioner’s counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

**(Madhuresh Prasad, J)**

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