

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2378 of 2021

Arising Out of PS. Case No.-490 Year-2020 Thana- BAGHA District- West Champaran

1. HARIGOVIND UPADHYAY S/o Amresh Upadhyay Resident of Vill.- Narayanpur, P.S.- Ghughali, Distt.- Maharajganj (Uttar Pradesh)
2. Ayush Dubey S/o Amarnath Dubey @ Amarnath Resident of Vill.- Ojha Patkhauri, P.S.- Ghughali, Distt.- Maharajganj (Uttar Pradesh)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Kishor Mishra, Advocate
Mr.Sachida Nand Rai, Advocate
For the Opposite Party/s : Mr.Sanjay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 12-03-2021 Heard learned counsel for the petitioners and learned A.P.P. for the State through virtual court proceeding.

Learned counsel for the petitioners undertakes to remove the defects, as pointed out by the office, within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioners seek bail in connection with Bagaha Patkhauri P.S. Case No.490 of 2020, registered for the offence punishable under Section 414 of the IPC and section 30(a) of the Bihar Prohibition and Excise Act, 2016.

106.800 liters of hooch is said to have been recovered



from the car of the petitioners. Petitioner no.1 was the driver of the vehicle and petitioner no.2, was a co-passenger in the said vehicle and the car was hired by someone.

It is submitted by learned counsel for the petitioners that no incriminating article has been recovered from the conscious physical possession of the petitioners. They have no concern either with the seized liquor or the place of recovery or any trade of liquor. They have been falsely implicated by the police in this case showing false recovery of illicit foreign liquor. Petitioners have no criminal antecedent as mentioned in para-3 of the present petition and have been languishing in custody since 30.08.2020.

Petitioners have agreed to deposit a sum of Rs. 15,000.00 (Rupees Fifteen Thousand) each in the PM Cares fund, bearing Account No.2121PM20202, IFSC Code: SBIN 0000691, SWIFT Code: SBININBB104, State Bank of India, New Delhi Main Branch, UPI ID : pmcares@sbi.

Having regard to the facts and circumstances of case, let the above named petitioners, be released on bail, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned court below, in connection with Bagaha Patkhauri P.S.



Case No.490 of 2020.

The bail bonds of the petitioners shall be accepted by the learned Court below on showing receipt of deposit of Rs.15,000.00 (Rupees Fifteen Thousand) each in the PM Cares fund.

(Anjani Kumar Sharan, J)

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