

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3625 of 2021

Arising Out of PS. Case No.-503 Year-2020 Thana- BAGHA District- West Champaran

DIWAKAR UPADHYAY Son of Ambrees Upadhyay Resident of Village-
Narayanpur, 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
Mr.Sachida Nand Rai
For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 16-03-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceeding.

Learned counsel for the petitioner 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 petitioner seeks bail in connection with Bagaha Patkhauri P.S. Case No.503 of 2020, registered for the offence punishable under Section 414 of the IPC and section 30(a) of Bihar Prohibition and Excise Act, 2016.

86.400 liters of foreign liquor is said to have been recovered from an Indigo Car. Petitioner is the driver of the



said vehicle.

It is submitted by learned counsel for the petitioner that no incriminating article has been recovered from the conscious physical possession of the petitioner. It is further submitted that the petitioner has no concern either with the seized liquor or the place of recovery or any trade of liquor and the said car was hired by someone. The petitioner has been made scapegoat in this case showing false recovery of illicit liquor. Petitioner has no criminal antecedent as mentioned in para-3 of the present petition and has been languishing in custody since 05.09.2020.

Petitioner is agreed to deposit a sum of Rs. 10,000.00 (Rupees Ten Thousand) in the PM Cares fund, bearing Account No.2121PM20202, IFSC Code: SBIN0000691, 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 petitioner, be released 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 court below, in connection with Bagaha Patkhauri P.S. Case No.503 of 2020.



The bail bonds of the petitioner shall be accepted
by the learned Court below on showing receipt of deposit of
Rs.10,000.00 (Rupees Ten Thousand) in the PM Cares fund.

(Anjani Kumar Sharan, J)

pallavi/-

U		T	
---	--	---	--

