

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4148 of 2021

Arising Out of PS. Case No.-57 Year-2020 Thana- DARAUNDA District- Siwan

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Bhushan Upadhyay Son Of Late Fuldev Upadhyay Village- Bhikha Bandh,
Koyari Tola, Police Station- Daraunda, District- Siwan

... .. Petitioner/s

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh

For the Opposite Party/s : Mr.A.G

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 05-04-2021 Heard learned counsel for the petitioner and the State

through virtual mode.

Learned counsel for the petitioner is directed to
remove the defect(s), as pointed out by the office, within a
period of four weeks.

The petitioner is apprehending his arrest in a case
registered under Sections-30(a) & 38 of the Bihar Prohibition
and Excise Act, 2016.

The prosecution case, in short, is that 50 liters wine is
recovered.

It has been submitted on behalf of the petitioner that
the petitioner has got no criminal antecedent. There is no
allegation of tampering of witnesses alleged against the
petitioner. The petitioner has been falsely implicated in the
present case. The name of the petitioner has transpired in this
case on the basis of disclosure made by local chowkidar. Except
for this, there is no other substantive evidence to suggest the
implication of the petitioner in this case. It is alleged that 50



liters wine is recovered from the back side of house of the petitioner. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner had no knowledge regarding the alleged incident. There is no compliance of Section 100 Cr.P.C.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Siwan in connection with Daraunda P.S. Case No. 57 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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