

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.12576 of 2022**

Arising Out of PS. Case No.-169 Year-2021 Thana- BALTHAR District- West Champaran

UPENDRA KUMAR, Son of Munnilal Kushbacha Resident of Belbania,  
Police Station - Shikarpur, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Ajoy Kumar Chakraborty

For the Opposite Party/s : Mr.Rajendra Prasad Nat

**CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR**  
**ORAL ORDER**

2      29-06-2022                      Heard learned counsel for the petitioner and  
  
learned APP for the State.

The petitioners seek bail in connection with Balthar  
P.S. Case No. 169 of 2021, registered for the offences  
punishable under Sections 30 (a) of the Bihar Prohibition  
and Excise Act, 2016

As per allegation, 51 litres of Nepali Deshi Wine  
and one motor-cycle was seized.

The learned counsel for the petitioner submits that  
the petitioner is innocent and has falsely been implicated in  
this case. He further submits that recovery of the alleged  
illicit liquor has not been made from the conscious



possession of the petitioner and the motor-cycle from which the alleged recovery has been made does not belong to the petitioner.

The petitioner is in custody since 31-12-2021.

It is also stated in paragraph no. 2 of the petition that petitioner has not moved earlier before this Hon'ble Court for grant of anticipatory bail or regular bail.

It has further been stated that the petitioner has no criminal antecedent.

However, the learned APP for the State has opposed the prayer for bail.

Considering the aforesaid facts and circumstances, the petitioner, above-named, are directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Bettiah, West Champaran in connection with Belthar P.S. Case No. 169 of 2021 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.



(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed their criminal antecedents despite their knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioners.

The application stands allowed accordingly.



The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

**(Jitendra Kumar, J)**

skm/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

