

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40069 of 2022

Arising Out of PS. Case No.-275 Year-2022 Thana- SAKRA District- Muzaffarpur

UPENDRA KUMAR Son of Ramdeo Sah Resident of Village - Olipur, P.S.-
Mahendrawara, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar

For the Opposite Party/s : Mr.Sucheta Yadav

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 27-09-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with Sakra
P.S. Case No. 275 of 2022 registered for the offences punishable
under Sections 272, 273, 120(B) and 420 of the I.P.C. and
Sections 30(a), 36, 41(i)(ii) of the Bihar Prohibition and Excise
Act, 2018..

As per prosecution case, Rs. 7,64,900/- and other
items were recovered from the Scorpio in question in which
petitioner and others were found sitting and on their disclosure
3436.920 liters illegal foreign liquor was recovered from the
truck in question.



Learned counsel for the petitioner submits that petitioner is in custody since 08.06.2022 and bears criminal antecedent of six cases of similar nature. Nothing has been recovered from the conscious possession of the petitioner. He further submits that petitioner has no concern with the said vehicles in question nor has he any concern with the alleged recovered wine. He also submits that petitioner has taken lift from the Scorpio vehicle but same was stopped by the police and entire persons sitting inside the vehicle were made accused in this case.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special, Excise Court No. 1 Muzaffarpur in connection with Sakra P.S. Case No. 275 of 2022 , subject to following conditions:-

(i) One of the bailors shall be either father or



mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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