

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41543 of 2022**

Arising Out of PS. Case No.-277 Year-2021 Thana- AURANGABAD TOWN District-
Aurangabad

=====

Upendra Kumar @ Upendra Kumar Yadav S/O Tapeswar Yadav Resident of
village- Harihar Bigha, P.S.- Muffasil, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Mukul Kumari

For the Opposite Party/s : Mr. Kanhaiya Kishore (App.100)

=====

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

2 14-11-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The instant application for anticipatory bail has been
filed by the petitioner apprehending his arrest in connection
with Aurangabad Town P.S. Case no. 277 of 2021 instituted for
the offence under Section 30(a) of the Bihar Prohibition and
Excise Act.

Prosecution case relates to recovery of 18.6 liters
illicit country made liquor from a Discover Motorcycle bearing
Registration No. Br 26J-2198.

Learned counsel appearing on behalf of the petitioner
has submitted that petitioner is innocent and has committed no
offence. He has falsely been implicated in this case. He has got



no criminal antecedent. Petitioner is the registered owner of the said motorcycle but he has no concern with the alleged recovery of illicit country made liquor. It is further submitted that neither the petitioner was arrested on nor any incriminating article has been recovered from his physical or conscious possession.

Learned APP appearing for the State has opposed the prayer of Bail.

The petitioner is directed to deposit a sum of Rs 10,000/- (Rs. Ten Thousand) in the District Legal Services Authority of concerned District.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Aurangabad Town P.S. Case no. 277 of 2021, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise), Aurangabad subject to the conditions as laid down under section 438(2) of the Cr.P.C.

The bail bonds of the petitioner shall be accepted by



the learned court below on showing the receipt of deposit of Rs.
10,000/- (Rs. Ten thousand) by the petitioner in the account of
the concerned DLSA.

(Sunil Kumar Panwar, J)

amandeep/-

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

