

**.IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43126 of 2022**

Arising Out of PS. Case No.-36 Year-2021 Thana- AMBA District- Aurangabad

UPENDRA KUMAR SAW Son of Ram Dayal Saw Resident of village- Jail
Hata Daltenganj, Palamu Jharkhand, permanent Address- Village- Chandaut
Dhangra, P.s- amba, Dist- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Krishna Prasad Singh, Senior Advocate Mr. Bhaskar Shankar, Advocate
For the State	:	Md. Shakir Ahmad, APP

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 14-10-2022 Heard Mr. Krishna Prasad Singh, learned Senior
Counsel assisted by Mr. Bhaskar Shankar for the petitioner and
learned APP for the State through virtual court proceedings.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections
30(a)/37(b)(c) of the Bihar Prohibition and Excise Act.

2.70 litres of foreign liquor has been recovered from a
Scorpio vehicle. The petitioner is made accused in the present
case because he is the owner of the said vehicle.

Learned Senior Counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in the
present case. It is further submitted that petitioner has got no
criminal antecedent as stated in paragraph-3 of the bail



application. It is submitted that prior to the occurrence, the petitioner had sold the said vehicle to Pintu Kumar on 22.03.2022. It is also submitted that there is no recovery from the conscious possession of the petitioner.

Petitioner is agree to deposit a sum of Rs. 10,000/- (rupees ten thousand) in Bihar State Legal Services Authority bearing Account No.0380000100252472, IFSC Code: PUNB0038000, Punjab National Bank, Patna.

Taking into consideration the fact that there is no recovery from the conscious possession of the petitioner, let petitioner, above named, in the event of his arrest or surrender before the learned court below within a period of six weeks from today, be enlarged 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 Special Judge, Excise-1, Aurangabad in connection with Amba P.S. Case No.36 of 2021, subject to the conditions laid down under Section 438 (2) of the Code of Criminal Procedure as well as subject to the further conditions that:

- (i) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.
- (ii) The petitioner shall not indulge himself in any



similar offence till conclusion of the trial.

(Anjani Kumar Sharan, J)

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