

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52662 of 2021

Arising Out of PS. Case No.-114 Year-2020 Thana- BRAHMPUR District- Buxar

Jhunna Upadhaya @ Jhunna Upadhyay, Son of Late Nathuni Upadhyay,
Resident of Village- Agianon @ Arianon, P.S.- Krishna Braham, District-
Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nil Kamal, Advocate

For the Opposite Party/s : Mr.Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 24-06-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Brahmpur (Krishna Braham) P.S. Case No. 114 of 2020 registered for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

Learned counsel for the petitioner has submitted that, as per allegation, 3.780 liters of foreign liquor was recovered from bush near the house of the petitioner. However, nothing has been recovered from the conscious possession of



the petitioner. The petitioner is in custody since 06.01.2021. Regarding the antecedent of the petitioner, learned counsel has submitted that he has also made accused in Brahampur (Krishna Braham) P.S. Case No.407 of 2019 under Section 30 (a) of Bihar Prohibition and Excise Act, 2018.

Learned APP has opposed the prayer for bail, submitting that the petitioner is having criminal antecedent in similar nature.

Having regard to the submissions made hereinabove and considering the period of custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Buxar in connection with Brahampur (Krishna Braham) P.S. Case No.114 of 2020, subject to the following conditions :

(i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be a close relative of the petitioner.

(iii) The petitioner will remain present on each and every date fixed by the court below.



(iv) In case of absence for three consecutive dates or
in violation of the terms of the bail, the bail bond of the
petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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