

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56611 of 2021

Arising Out of PS. Case No.-15 Year-2021 Thana- KALER District- Jehanabad

UPENDRA PATHAK S/O LATE NATHUNI PATHAK R/o village-
Manikpur, P.S.- Nagar, Distt.- Gopalganj, Bihar Petitioner/s
Versus

THE STATE OF BIHAR Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar Sinha

For the Opposite Party/s : Mr.Akbar Ali

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 12-04-2022 Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Excise Case No. 240 of 2021, arising out of Kaler Police Station
Case No. 15 of 2021, registered for the offence punishable
under Section 30 (a) of the Bihar Prohibition and Excise Act,
2016.

The prosecution case, as per the First Information
Report, is that from the truck, which was being driven by the co-
accused Dinesh Yadav, a total quantity of 5000 litres of spirit
was recovered.

Learned Counsel for the petitioner submits that the
petitioner has not committed any offence in the manner alleged
and he has falsely been implicated in this case on the basis of
disclosure of his name by the driver of the truck. He further
submits that nothing has been recovered from the conscious



possession and/or vehicle belonging to the petitioner. He further submits that the petitioner is in custody since 11.08.2021, having no criminal antecedent and charge sheet has been submitted against him and as such there is no likelihood that the petitioner will abscond and/or tamper with the evidence.

Having heard learned Counsel for the parties and taking into consideration the materials on record and the fact that the driver of the truck, namely, Dinesh Yadav, has been granted bail by this Court, charge sheet has been submitted against him and he is in custody since 11.08.2021, having no criminal antecedent, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail, upon furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, excise, Jehanabad, in connection with Excise Case No. 240 of 2021, arising out of Kaler Police Station Case No. 15 of 2021.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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