

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53690 of 2022

Arising Out of PS. Case No.-207 Year-2022 Thana- BYPASS District- Patna

Upendra Kumar Son Of Bhola Prasad R/O Mohalla- Nae Sadek, Pachchim Darwaja Ke Pass P.S.- Alamganj, District- Patna (OWNER Of Newly Constructed House, Mobile No. 6207924757

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rudra Deo, Advocate

For the Opposite Party/s : Mr. Anant Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 19-11-2022 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.

In the present case, the petitioner seeks bail in connection with Bypass P.S. Case No. 207 of 2022 registered for the alleged offences under Sections 30(a) and 32(iii) of the Bihar Prohibition and Excise Amendment Act, 2018.

As per prosecution case, police received secret information about petitioner keeping illicit liquor in his newly built house. A raid was conducted and 115.680 liters of India made foreign liquor was recovered. No one was apprehended from the spot.



Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. The petitioner has no concern with the allegedly seized articles. The petitioner has rented the house in question to one Sanjeet Kumar on monthly rent Rs. 5000/- by a rent agreement dated 12.04.2022. The petitioner has no concern thereafter with the house or the contraband seized from there. Charge sheet has been submitted in this case and the petitioner is in custody since 10.08.2022.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that the petitioner has a criminal antecedent of similar nature.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from him and also considering the submission of charge sheet along with period of custody of the petitioner, 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 Special Judge Excise, Patna City, Patna in connection with Bypass P.S. Case No. 207 of 2022, subject to



the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

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

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

(iii) In case of absence on 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)

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