

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53674 of 2022

Arising Out of PS. Case No.-738 Year-2022 Thana- BIHTA District- Patna

UPENDRA KUMAR, Son of Bhola Prasad, Resident of Village - Nae Sadak,
Pachchim Darwaza Ke pas , P.s.- Alamganj, Distt.- Patna.

... .. 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.A.G

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 Special Excise Case No. 1244 of 2022 arising
out of Bihta P.S. Case No. 738 of 2022 registered for the alleged
offences under Sections 30(a) and 41 of the Bihar Prohibition
and Excise Amendment Act, 2018.

As per prosecution case, police received secret
information about selling of illicit liquor. A raid was conducted
at the identified place and the petitioner was apprehended with a
motorcycle. On search of the seized motorcycle, total 122.43
liters of illicit foreign liquor was recovered.



Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner was arrested merely on the basis of suspicion when he was returning home from the house of a relative. The petitioner is the owner of the said seized vehicle but he has no concern with the recovered liquor. Charge sheet has been submitted in this case and the petitioner is in custody since 31.07.2022.

Learned APP for the State opposes the prayer for bail of the petitioner.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that charge sheet has been submitted 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 Excise Judge Danapur, Patna in connection with Special Excise Case No. 1244 of 2022 arising out of Bihta P.S. Case No. 738 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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