

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56553 of 2022

Arising Out of PS. Case No.-388 Year-2022 Thana- ALAMGANJ District- Patna

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Upendra Kumar Son of Shivnandan Mahto Resident of Village - Chhaunkiya,
P.S.- Ganga Bridge, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Udai Shankar Singh

For the Opposite Party/s : Mr. Pushpa Sinha

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 11-11-2022 Heard Ld. counsel for the petitioner and Ld. APP

for the State.

The petitioner seek bail in connection with

Alamganj P.S. Case No. 388 of 2022 registered on

21.05.2022, registered for the offences punishable under

Section 30(a) of Bihar Excise Act, 2018.

As per allegation, 80 litres country-made Mahua

Liquor was recovered from Honda Scooty, bearing

Registration No. BR03W-3834.

The learned counsel for the petitioner submits that

the petitioner is innocent and has falsely been implicated in

this case. He further submits that petitioner was standing



near the road and caught by police only on the basis of suspicion. He also submits that nothing has been recovered from the conscious possession of the petitioner. He further submits that neither the petitioner nor any member of the family is involved in any kind of liquor business.

The petitioner has been languishing in jail since 22.05.2022.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that the petitioner has no criminal antecedent.

However, the Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, particularly the quantity of the liquor recovered, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. Special Judge, Excise, Patna City in



connection with Alamganj P.S. Case No. 388 of 2022 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court



below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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