

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55199 of 2022

Arising Out of PS. Case No.-773 Year-2022 Thana- BIHTA District- Patna

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UPENDRA KUMAR S/O MAHENDRA MAHTO Resident of village-
Mustaffapur, P.S.- Bihta, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Madhukar Anand, Advocate
For the Opposite Party/s : Mr.Nand Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 21-10-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State

through virtual court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Bihta P.S.
Case No. 773 of 2022 registered for the offence under Sections
30(a) and 41 of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 10.08.2022.

The allegation against the petitioner is to be engaged



in illegal trading/manufacturing of illicit liquor, where, there was recovery of 140 litres of IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioner submitted that recovery of alleged illicit liquor was made from bag, loaded over scooty, which is not connected in any manner with this petitioner. It is further submitted that seizure list appears disputed, as same is not supported by independent witnesses rather by police personnels. It is also submitted that petitioner is a man of clean antecedent, where petitioner is in custody since 10.08.2022. While concluding the argument, it is submitted that investigation of this case is complete, where charge-sheet has been submitted, as such, there is no chance of tempering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as seizure list appears disputed, as same is not supported by independent witness, where petitioner is a man of clean antecedent coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Bihta P.S. Case No. 773 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the



satisfaction of learned Special Excise Judge, Danapur/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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