

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66388 of 2021

Arising Out of PS. Case No.-553 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- East Champaran

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Upendra Kumar Son of Pannalal Prasad @ Pannalal Bhagat Resident of
Village - Bediban Madhuban, P.S- Pipra, Dist- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar
For the Opposite Party/s : Mr. Asha Devi

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 01-04-2022 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceedings.

The petitioner apprehends his arrest in Excise Case
No.553 of 2020, registered for the offences punishable under
Sections 30(a), 32, 36, 41(1) of the Bihar Prohibition and Excise
Act.

Learned counsel for the petitioner submits that there is
no recovery from the conscious possession of the petitioner
rather 2773.800 litres of foreign liquor has been recovered from
a Bolero pickup vehicle. It is submitted that the petitioner is the
owner of the said vehicle. It is further submitted that the
petitioner is said to have fled away from the place of occurrence
after seeing the police. The petitioner has got no criminal



antecedent as stated in para 3 of the bail application.

Learned APP for the State opposed the prayer for anticipatory bail of the petitioner.

Petitioner is ready to deposit a sum of Rs.1,00,000/- (rupees one lakh) in Bihar Kishore Nyay Nidhi, Apna Ghar, Near Lalit Bhawan, Bailey Road, Patna bearing Saving Bank Account No.35094613009, State Bank of India, Branch Name Patna Secretariat Sinchai Bhawan, Branch Code-153, IFSC Code-SBIN0000153.

Considering the fact that there is no recovery from the conscious possession of the petitioner, let petitioner, above named, in the event of his arrest or surrender before the learned court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum-Special Judge, Excise, Motihari, East Champaran in connection with Excise Case No.553 of 2020, subject to the conditions:

(1) Laid down under Section 438(2) of the Cr.P.C.

(2) One of the bailors would be close relative of the petitioner having sufficient immovable properties, who will file an affidavit stating his relationship with the petitioner.



(3) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bond.

(4) The bail bond of the petitioner shall be accepted by learned court below on showing receipt of deposit of Rs.1,00,000/- (rupees one lakh) in Bihar Kishore Nyay Nidhi, Apna Ghar, Near Lalit Bhawan, Bailey Road, Patna bearing Saving Bank Account No.35094613009, State Bank of India, Branch Name Patna Secretariat Sinchai Bhawan, Branch Code-153, IFSC Code-SBIN0000153.

(Anjani Kumar Sharan, J.)

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