

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66621 of 2022

Arising Out of PS. Case No.-183 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Aurangabad

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Upendra Kumar S/O Krishna Singh R/O Village- Gijna, P.S- Jamhari,
District- Aurangabad

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Pravesh Nath Tiwari
For the Opposite Party/s : Ms. Meena Singh

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 23-12-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with

Aurangabad Excise P.S. Case No. 183 of 2022, dated

31.08.2022 G.R. No. 761 of 2022, registered for the

offences punishable under Section 30(a) of the Bihar

Prohibition and Excise Act, 2018.

As per allegation, 108 litres of liquor was

recovered from a tempo.

The Ld. counsel for the petitioner submits that the

petitioner is innocent and has falsely been implicated in this

case. He further submits that nothing has been recovered



from the conscious possession of the petitioner. He also submits that search and seizure has not been made as per the procedure under Section 100 Cr.P.C. He further submits that petitioner had no knowledge about the contents of material loaded on the vehicle.

The petitioner has been languishing in jail since 31.08.2022.

It is also stated in paragraph no. 2 of the petition that the petitioner has never moved before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that the petitioner has been made accused in one more case.

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

Considering the aforesaid facts and circumstances, 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, II, Aurangabad in connection with Aurangabad Excise P.S. Case



No. 183 of 2022, dated 31.08.2022 G.R. No. 761 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 criminal antecedent other than
the disclosed one, 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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