

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6382 of 2023

Arising Out of PS. Case No.-102 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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UPENDRA GOSAI @ UPENDRA GOSWAMI Son of Sri Mahesh Gosai
Resident of Village - Chei, P.S.- Salaiya, District - Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shailesh Kumar Singh, Adv.
For the Opposite Party/s : Mr.Sanjay Kumar Pandey, APP.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 11-04-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered
for the offences punishable under Sections 30 (a) and 56 (b) of
the Bihar Prohibition and Excise (Amendment) Act, 2018.

Altogether 280 litres spirit has been recovered from a
Tata Safari. Driver Vicky Sinha was apprehended on the spot.

It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and has committed no offence. No
incriminating article has been recovered from the conscious
physical possession of the petitioner rather the illicit liquor is
said to have been recovered from a Tata Safari. Petitioner has
no concern either with the seized liquor or the place of



recovery or any trade of liquor. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. Neither the petitioner is owner nor the driver of the said car. Petitioner has been falsely implicated in this case at the instance of his enemy. He was not apprehended on the spot. He had not consumed liquor. There is nothing on record to indicate the complicity of the petitioner barring the confessional statement of the apprehended person which has no evidentiary value in the eye of law. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

Petitioner is agreed to deposit a sum of Rs.20,000.00 (Rupees Twenty Thousand) in account of Bihar State Bar Council Welfare Fund, bearing Account No.31861041899, IFSC Code: SBIN0010340, State Bank of India, High Court Campus, Patna.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending/successor Court in



connection with Gaya Excise Case No. 102 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, subject to the further conditions that

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of the aforesaid amount in Bihar State Bar Council Welfare Fund.

(Anjani Kumar Sharan, J)

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