

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6473 of 2023

Arising Out of PS. Case No.-240 Year-2022 Thana- PIPRAHI District- Sheohar

VINOD UPADHYAY @ VINOD KUMAR UPADHYAY Son of Shivnarayan
Upadhyay Resident of Village- Belwa Narkatiya, P.S.- Piprahi, District-
Sheohar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Siddharth Shankar Pandey, Advocate
	:	Mr.Devendra Kumar,APP
For the Opposite Party/s	:	Mrs.Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-05-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since
02.12.2022 in connection with Piprahi P.S. Case No. 240 of
2022, F.I.R. dated 25.09.2022 registered for the offence
punishable under Section 30(a) of Bihar Prohibition and Excise
Amendment Act, 2018.

Recovery is of 331.2 liters of Nepali Karishma liquor.

Learned counsel appearing for the petitioner submits
that the petitioner has clean antecedent and he has falsely been
implicated in the present case. Further submits from bare
perusal of the FIR as well as the seizure list that nothing has
been recovered from conscious possession of the petitioner



rather the recovery has been made from the bank of river and the petitioner was not apprehended with the alleged recovery of illicit liquor and the petitioner has no concern at all with the alleged recovery of illicit liquor and the name of the petitioner has been transpired during investigation on the basis of the disclosure made by the local Chaukidar and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 02.12.2022.

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

Considering the aforesaid facts, nothing has been recovered from conscious possession of the petitioner, having clean antecedent, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise Court, Sheohar in connection with Piprahi P.S. Case No. 240 of 2022, with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient



reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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