

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32008 of 2023

Arising Out of PS. Case No.-27 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- Rohtas

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Upendra Yadav @ Upendra Kumar Son Of Late Ramji Yadav Village-
Dahiyar, Ps- Sasharam (MUFFASIL) , Distt- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binay Kumar Singh, Advocate
For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-05-2023 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 Section 30(a) of the
Bihar Excise Act.

Learned counsel for the petitioner submits that the
petitioner has antecedent of two cases and allegation is of
recovery of 45 litres of liquor from a motorcycle.

Learned counsel for the petitioner submits that the
petitioner was not arrested from the spot as such nothing was
recovered from his conscious possession and he came to be
implicated based on the confessional statement of co-accused in
police custody which does not have any evidentiary value, it is



next submitted that petitioner is not owner of the motorcycle. Learned counsel submits that inadvertently at paragraph '3' of the anticipatory bail application, it has been recorded that petitioner is a person with clean antecedent and accordingly a supplementary affidavit has been filed rectifying the said plea wherein it has been pleaded that petitioner has antecedent of two cases.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the 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 released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Excise Case No. 27 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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