

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53299 of 2023

Arising Out of PS. Case No.-471 Year-2023 Thana- MASAUDHI District- Patna

Upendra Kumar, S/O Devshran Singh @ Dev Sharan, R/O Village- Aulia Chak, Ps. Kako, Dist. Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar, Advocate

For the Opposite Party/s : Mr.Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 22-08-2023 Heard the parties.

2. The petitioner is in judicial custody in connection with Masaudhi P.S. Case No. 471 of 2023 instituted under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018 lodged on 08.07.2023 by the informant Arun Kumar Bhagat.

3. As per the prosecution story, the police on patrolling duty, intercepted the tempo. While the driver tried to escape he was apprehended and 75 litres Desi Mahua liquor kept in plastic sack was recovered/seized. Accordingly, the FIR.

4. It is the case of the petitioner that he was carrying passengers, upon sight of the police, they escaped leaving their belongings and the petitioner failed to realise that there was Mahua and he has suffered by being in custody since



09.07.2023 (para 1 of the petition). He further submits that petitioner has no criminal antecedent.

5. Learned APP opposes the prayer for bail.

6. Considering the facts on record, submission made by the learned counsel for the petitioner, he do not have any criminal antecedent and is in custody since 09.07.2023, this Court is inclined to grant him privilege of bail.

7. Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Masaudhi P.S. Case No. 471 of 2023 to the satisfaction of learned Special Judge, Excise, Patna, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;



(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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