

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53946 of 2023

Arising Out of PS. Case No.-113 Year-2023 Thana- SONO District- Jamui

UPENDRA KUMAR RAY @ UPENDRA RAY Son of Late Kameshwar Ray
Resident of Village - Gadi, P.S.- Chakai, District - Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar, Adv.

For the Opposite Party/s : Mr.Nitya Nand Tiwary, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 19-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Section 30 (a), 32 of the Bihar Prohibition and Excise Act.

3. The prosecution case, in brief, is that informant S.I. Amresh Kumar along with other police personnel proceeded from concerned P.S. to investigate the case. During that course, he received an information that looted pick-up Van bearing Registration No. BR46G-6393 has been kept hidden beside the house of co-accused Diwakar Singh. On that information, they reached there and searched the alleged pick-up van and on search altogether 1.875 litres foreign liquor along with drum of petroleum substance has been recovered. It is further alleged



that the petitioner and co-accused Diwakar Singh were also accused of Sono P.S. Case No. 112 of 2023 as they looted the alleged pick-up Van for business of liquor.

4. 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 1.875 liters of foreign liquor is said to have been recovered from a pick up van beside the house of the co-accused Diwakar Singh. 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. Petitioner has been falsely implicated in this case at the instance of his enemy. He was not apprehended on the spot. Petitioner has two criminal antecedents as mentioned in para-3 of this application.

5. Petitioner is agreed to deposit a sum of Rs.10,000.00 (Rupees Ten Thousand) in account of Patna High Court Legal Services Committee, Patna, bearing Account No.1413010060836, IFSC Code: PUNB0141320, Punjab National Bank, Bar Council Branch, Patna.

6. 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) 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 Sono P.S. Case No. 113 of 2023, 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.

7. The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of the aforesaid amount in Patna High Court Legal Services Committee, Patna.

(Anjani Kumar Sharan, J)

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