

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62933 of 2023

Arising Out of PS. Case No.-276 Year-2023 Thana- SIMRI District- Buxar

Viswajeet Upadhyay @ Bablu Upadhyay Son Of Late Purshottam Upadhyay
Resident Of Village- Sathpherwa, Ps- Simari, Distt- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Kamal Deo Sharma

For the Opposite Party/s : Mr.Dr. Ajeet Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 22-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under section 30(a) of the Bihar Prohibition & Excise Act.

3. Prosecution case relates to recovery of 37 liters illicit foreign liquor from a motorcycle bearing Registration No. BR44M-6843 and the petitioner is said to be apprehend on spot with the seized vehicle.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has falsely been implicated in this present case. Petitioner has no concern with the alleged recovery of illicit liquor. No any incriminating article has been recovered from his conscious possession. It is further submitted that the



the petitioner is languishing in judicial custody since 8.8.2023.

5. Learned APP appearing for the State has vehemently opposed the prayer of Bail and submitted that the petitioner was apprehended on spot.

6. The petitioner is directed to deposit a sum of **Rs 5,000/- (Five Thousand)** in the District Legal Services Authority of concerned District.

7. Considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Simari P.S. Case No. 276 of 2023 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 No.2, Buxar.

8. The bail bonds of the petitioner shall be accepted by the learned court below on showing the receipt of deposit of **Rs. 5,000/- (Rs. Five thousand)** in the account of the concerned DLSA.

(Sunil Kumar Panwar, J)

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