

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62452 of 2022

Arising Out of PS. Case No.-510 Year-2022 Thana- DEHRI TOWN District- Rohtas

Upendra Kumar S/o Bhola Bind @ Bhola Choudhary R/o Mohalla- Tar
Bangla, ward no. 38, P.S.- Dihri Nagar, Distt- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Pandey

For the Opposite Party/s : Mr. Sanjay Kumar Sharma

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 13-01-2023 Today being Friday, matters are being taken up through
virtual mode, as per current procedure for hearing.

Heard learned counsel for the petitioner and learned APP for
the State.

This Court would expect that the petitioner's counsel would
honour his undertaking in the instant proceedings regarding supply of
requisite court fee etc. within two weeks from the date he is called
upon to do so by the office.

Petitioner seeks bail in connection with Dehri Nagar P.S. Case
No. 510 of 2022 registered under Section 30(a) of Bihar Prohibition
and Excise Act, 2018.

It is alleged that 30.750 litres illicit liquor has been recovered
from the motorcycle. One of the passengers has fled away and
petitioner has been apprehended.

Learned counsel for the petitioner submits that having no
antecedents, the petitioner has been apprehended on misconception,



since he was near the motor-cycle. The person who was driving the motor-cycle has fled away. It is submitted that he is neither the owner of the vehicle nor any concern with the vehicle. He is in custody since 12.07.2022.

Learned APP has opposed the prayer for bail.

Considering the rival submissions, manner of recovery, nature of allegation and the fact that investigation is complete, this Court is inclined to allow the petitioner's prayer for bail. Prayer for bail of the petitioner is allowed.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Court no. 1, Rohtas at Sasaram in Dehri Nagar P.S. Case No. 510 of 2022, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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