

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64068 of 2023

Arising Out of PS. Case No.-36 Year-2023 Thana- SHIVSAGAR District- Rohtas

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UPENDRA KUMAR S/O NAND KISHORE SINGH R/O VILLAGE-
TEKARI, P.S- CHENARI, DISTT.- ROHTAS.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashutosh Tripathy, Advocate.

For the Opposite Party/s : Mr.Atul Chandra, APP.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 16-10-2023 Heard Mr. Ashutosh Tripathy, learned counsel

appearing on behalf of the petitioner and Mr. Atul Chandra,

learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Shivsagar P.S. Case No. 36 of 2023 registered for the
offence punishable under Section 30(a) of the Bihar Prohibition
and Excise Act.

3. Allegation is of recovery of total 86.2 litres of illicit
liquor from different vehicles. 25.2 litres of foreign liquor is
said to have been recovered from the motorcycle of the
petitioner.

4. Learned counsel appearing on behalf of the
petitioner submits that the petitioner is innocent and he has
falsely been implicated in the case on the disclosure of the



apprehended accused due to enmity. Nothing has been recovered from conscious physical possession of the petitioner. He has been roped in the present case because his full brother was arrested along with his motorcycle. He has no concern with the seized liquor nor any nexus with the accused persons named in the F.I.R. Petitioner is not named in the F.I.R. He has clean antecedent.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation made in the F.I.R., the petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four weeks from today, 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 Court No.2 cum Additional District and Sessions Judge, Rohtas at Sasaram in connection with Shivsagar (Sheosagar) P.S. Case No. 36 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

7. The court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in Para-



3 of the bail petition, this order will automatically loose its
force.

8. The bail application stands disposed of.

(Purnendu Singh, J)

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