

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67935 of 2022

Arising Out of PS. Case No.-275 Year-2021 Thana- BIDUPUR District- Vaishali

Upendra Singh @ Upendra Kumar, aged about 45 years, (Male), Son Of
Chanarik Singh R/O Village- Kanchanpur, P.S.- Bidupur, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Adv.
For the Opposite Party/s : Ms. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 10-02-2023 Heard learned counsel for the petitioner and the learned APP
for the State.

The petitioner seeks bail in connection with Bidupur P.S. Case
No. 275/2021 registered for the offence punishable under Section
30(a) of Bihar Prohibition & Excise Act.

There is recovery of 1152.585 litres (one thousand one
hundred fifty two litres & five hundred eighty five millilitres) Indian
made foreign liquor and 168 (one hundred sixty eight) litres of beer
from a banana orchid. The petitioner's implication is based on his
identification by the light caused by the police vehicle headlight.

Learned counsel for the petitioner submits that First
Information Report (for brevity 'F.I.R') itself shows that recovery is
from an open place. The petitioner has not been arrested from the
place, nor there is any recovery of illicit liquor from him. Having no
criminal antecedents, he is in custody since 11.01.2022. It is
submitted that investigation is complete. Other co-accused, namely,
Naresh Singh, Kapildev Singh have been allowed bail in Cr. Misc.
No. 54490/2021 & 22712/2022 respectively.



Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, clean antecedents, claim based on parity, period of custody and the fact that investigation is complete, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No. 1, Vaishali, Hajipur, in connection with Bidupur P.S. Case No. 275/2021, 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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