

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74955 of 2023

Arising Out of PS. Case No.-229 Year-2023 Thana- YADOPUR District- Gopalganj

Upendra Kumar, Son Birendra Mahto R/o vill - Gamahariya, P.S. - Nautan,
Distt. - Gopalganj

... .. Petitioner/s

Versus

The State Of Bihar, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sushil Kumar, Adv.
For the Opposite Party/s : Mr. Pronoti Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 29-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Yadipur P.S. Case No. 229 of 2023, lodged on 23.09.2023 under
Section 30(a) of the Bihar Prohibition and Excise Amendment
Act, 2018.

3. As per the prosecution case, total 360 litres of
country made liquor has been recovered in which 18 litres of
country made liquor has been recovered from the plastic gunny
bag of the present petitioner and 342 litres of country made
liquor has been recovered from a boat.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
also submits that 342 litres of country made liquor has been



recovered from a boat which does not belongs to the petitioner. Counsel further submits that from the contents of the FIR, it transpires that the petitioner fled away from the place of occurrence with one bag in which 18 litres of country made liquor was subject to there which the police has recovered from a public place near a bridge and not directly from the possession of the petitioner.

5. Learned counsel for the petitioner submits that the antecedent of the petitioner is clean and he is in custody since 23.09.2023.

6. Learned APP for the State opposes the prayer for bail of the petitioner.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Spl. Judge, Excise Court No.1, Gopalganj in connection with Yadopur P.S. Case No. 229 of 2023, subject to the conditions as laid down U/s 437(3) Cr.P.C. as well as the following conditions:

(i) one of the bailor should be the family member of



the petitioner who shall provide official document to show his
bona fide;

(ii) the petitioner shall appear on each and every date
before the Trial Court and failure to do so for two consecutive
dates without plausible reason will entail cancellation of his bail
bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned
police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or
promise or threat the witnesses or tamper with the evidence,
failing which the State shall be at liberty to take steps for
cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any
criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J.)

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