

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75115 of 2023

Arising Out of PS. Case No.-781 Year-2023 Thana- Excise P.S. District- Gopalganj

Upendra Kumar Prasad @ Upendra Kumar Byahut, S/O Mahesh Prasad
Village- Jalalpur Kalwari Tola, Ps. Kuchaikote, Dist. Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Singh, Adv.

For the Opposite Party/s : Mrs. Asha Devi, 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
Gopalganj Excise P.S. Case No. 781 of 2023, lodged on
02.08.2023 under Section 30(a) of the Bihar Prohibition and
Excise Amendment Act, 2018.

3. As per the prosecution case, total 567 litres of
country made liquor has been recovered which is the subject
matter of the present case.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
also submits that the said recovery has not been made from the
possession of the petitioner rather it has been recovered from the
possession of one Rambabu Sah and upon his confessional



statement, the name of the petitioner has been figured in this case.

5. Learned counsel for the petitioner submits that it is true that there is one criminal antecedent of the petitioner and the petitioner is in custody since 08.08.2023. Counsel further submits that since no recovery has been made from the petitioner's possession then no offence ought to be lodged under Bihar Prohibition and Excise Act only by virtue of confessional statement.

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 District and Sessions Judge-IV-cum-Spl. Judge Excise Court No. II, Gopalganj in connection with Gopalganj Excise P.S. Case No. 781 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.)

Divyansh/-

U		T	
---	--	---	--

