

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74910 of 2022**

Arising Out of PS. Case No.-368 Year-2022 Thana- SIMRI District- Buxar

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BABLU UPADHAYA VIMAL @ VISHWAJEET UPADHAYA @BABLU
UPADHAYA Son of Late Purshottam Upadhaya R/v- Khandhra (Satphedwa),
P.S.- Simari, Dist- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dr. Kamal Deo Sharma, Adv.

For the Opposite Party/s : Mr.Kumar Ranjit Ranjan, APP

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**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 18-03-2023 Heard the parties.

Petitioner apprehends his arrest in connection with a case registered for the offence punishable u/s 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

Altogether 60.48 litres of foreign liquor is said to have been recovered from the spot. It is alleged that petitioner and others fled away from the spot on seeing the police.

Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence as alleged in the FIR. Petitioner has been falsely implicated in this case at the instance of his enemies. Petitioner has neither been apprehended on the spot nor any incriminating article has been recovered from his conscious physical possession. He has no



concern either with the seized liquor or any trade of liquor. The said recovery has been made from an open place, from which, petitioner has no concern. Petitioner has one criminal antecedent, as also mentioned in para-3 of the bail application.

Petitioner is agreed to deposit a sum of Rs.20,000.00/- (Rupees Twenty Thousand) in the Patna High Court Legal Services Committee, Patna bearing Account No.1413010060836, IFSC PUNB0141320, Punjab National Bank, Bar Council Branch, Patna.

Considering the aforesaid facts and circumstances, let the petitioner, named above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail, on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below, where the case is pending/Successor court, in connection with Simari P.S. Case No.368 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, as also the following conditions.

(1) 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. He will also undertake to



inform the Court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature and thereafter the Court below will be at liberty to initiate proceeding for cancellation of anticipatory bail on the ground of misuse.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of Rs.20,000.00/- (Rupees Twenty Thousand) in the Patna High Court Legal Services Committee.

(Anjani Kumar Sharan, J)

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