

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27589 of 2024

Arising Out of PS. Case No.-239 Year-2022 Thana- MANJHAGARH District- Gopalganj

Upendra Yadav, S/o Kedar Yadav, R/o Village - Bhainsahi, P.S. - Manjhagarh,
District - Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh, Advocate
For the Opposite Party/s : Mr.Uma Shankar Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 12-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Manjhagarh P.S. Case no. 239 of 2022 dated 06.08.2022 for the offences punishable under Section 30(a) of the Bihar Prohibition of Excise (Amendment) Act.

3. As per the prosecution case, total 201.6 liters of Banti Babli country made liquor was recovered from the place of occurrence which was thrown by the petitioner and other accused persons.

4. Learned counsel for the petitioner has submitted that petitioner is innocent and has falsely been implicated in this case. The petitioner has no concern with the alleged recovered liquor. Neither the petitioner was arrested on the spot nor any



incriminating article has been recovered from his conscious possession. The name of the petitioner has transpired on the basis of disclosure statement of local chowkidar before the police. Similarly situated co-accused namely, Upendra Sahani has already been granted anticipatory bail by this court vide order dated 05.12.2023 passed in Cr. Misc. No. 74784 of 2023. The petitioner has got five criminal antecedents and he is on bail in four cases as stated in para 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the nature of allegation against the petitioner, let the above-named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Gopalganj in connection with Manjhagarh P.S. Case No. 239 of 2022, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure with further condition:-

(i). The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable



cause, the bail bonds of the petitioner is liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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