

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40117 of 2024

Arising Out of PS. Case No.-52 Year-2024 Thana- DUMARIAGHAT District- East
Champaran

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Manoranjana @ Bandhan Upadhaya Son of Late Jagarnath Upadhyaya @
Jagnath Upadhyaya Resident of Village- Madhubani, P.S. - Sangrampur,
District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate
For the Opposite Party/s : Mr. Tapeswar Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 03-07-2024 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection
with Dumariyaghat P.S. Case No. 52 of 2024 for the offence
registered under section 30(a) of the Bihar Prohibition and
Excise Act lodged on 08.03.2024 by the informant, Anil Kumar
Yadav.

3. As per the prosecution story, the informant alleged
that on the basis of secret information, the police went to N.H.-
27, intercepted a motorcycle and recovered/seized 11.70 litres of
foreign liquor. Accordingly, the F.I.R.

4. Learned Counsel for the petitioner submits that
neither he was present at the spot nor anything recovered from



his possession, only because he has criminal antecedent, his name has cropped up on the confession of Ranjesh Kumar and he is ready to face the trial.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that in the confessional statement, his name has come.

6. Taking into account the aforesaid facts submitted by the learned Counsel for the petitioner as also that nothing has been recovered from his conscious possession, this Court is inclined to extend him privilege of anticipatory bail.

7. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court-3, East Champaran, Motihari in connection with Dumariyaghat P.S. Case No. 52 of 2024 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives 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 bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

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

(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.

(Rajiv Roy, J)

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