

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49499 of 2024

Arising Out of PS. Case No.-47 Year-2024 Thana- DARIYAPUR District- Saran

Upendra Rai, aged about 32 years (Male), S/O Chandrama Rai, R/O Village-
Bhushi Tola, P.S. Dariyapur, Distt-Saran at Chapra.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Vijay Kumar, Advocate

For the Opposite Party : Mr. Surendra Prasad Singh, A.P.P.

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

ORAL ORDER

3 13-09-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Dariyapur P.S. Case No. 47 of 2024 dated 31.01.2024 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution case, total 256.35 litres of illicit foreign liquor was recovered from the *Dalan* of the petitioner.



4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. No incriminating article has been recovered from the conscious possession of the petitioner. It is submitted that the alleged recovery of illicit liquor was made from the *Dalan* of the petitioner but the petitioner lives in joint house. The petitioner is a labour. It is further submitted that other co-accused person Sahilesh Rai has already been granted regular bail by a Bench of this Court vide Cr. Misc. No. 33828 of 2024 under order dated 02.05.2024. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application.

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, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Ist Special Judge Excise, Saran at Chapra, in connection with Dariyapur P.S. Case No. 47 of 2024, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.



7. The application stands allowed.

(Chandra Prakash Singh, J)

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