

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64487 of 2024

Arising Out of PS. Case No.-289 Year-2024 Thana- MADANPUR District- Aurangabad

Upendra Singh @ Upendra Kumar Singh Son of Shatrughan Singh Village -
Anjan, Ps- Madanpur, Dist- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar
For the Opposite Party/s : Mr. Rajesh Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 05-09-2024 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 30(a), 34, 36 of the Bihar Prohibition and Excise Act.

3. The learned counsel for the petitioner submits that
the petitioner has antecedent of 9 cases and allegation is of
recovery of 4960 liters of spirit from a tanker.

4. It is next submitted that petitioner was not arrested
from the spot as such nothing was recovered from his conscious
possession and is not the owner of the tanker and he came to be
implicated at the instance of *Chowkidar*, it is next submitted that
police in majority of the case implicates either at the instance of
Chowkidar, local person, secret information or confessional



statement in a mechanical manner without holding a proper investigation. It is also submitted that once an accused is implicated in a case relating to excise the police starts implicating mechanically and at times to save the real culprits.

5. The learned APP for the State opposes the anticipatory bail application.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 45,000 /- (Rupees Fourty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Court No. 1, Aurangabad (Bihar) in connection with Madanpur P.S. Case No. 289 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J.)

Sudhanshu/-

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