

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69096 of 2024

Arising Out of PS. Case No.-426 Year-2024 Thana- JAKKANPUR District- Patna

UPENDRA KUMAR SON OF ASHOK PRASAD @ ASHOK KUMAR R/O
NEAR CHOUDHARY PETROL PUMP, KUMHAR TOLI, P.S.-
KANKARBAGH, DISTRICT- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Rajeev

For the Opposite Party/s : Mr.Damodar Prasad Tiwary

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 08-10-2024 As per statement made in paragraph-2 of the

Supplementary affidavit, the statement made in paragraph-3 of
the main bail petition regarding criminal antecedent is treated to
be rectified to the effect that the petitioner has got criminal
antecedent of one case except the present one. Let it be kept on
record.

2. Heard the learned counsel for the petitioner as well
as the learned Additional Public Prosecutor for the State.

3. The petitioner is seeking regular bail in connection
with Jakkanpur P.S. Case No. 426 of 2024 for the offences
punishable under Section 30(a), 36, 41(i) (ii) of Bihar
Prohibition and Excise Act.

4. Allegedly, from the tenanted house of the petitioner
and co-accused, 1543.520 litres of illicit liquor is said to have



been recovered.

5. The learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. He has further submitted that nothing incriminating articles has been recovered from conscious possession of the petitioner. The petitioner has been alleged to be standing on the gate of house along with two friends. The co-accused, namely Manish Kumar has been granted bail by this court by order dated 01-10-2024 in Cr. Misc. No. 68249 of 2024. The petitioner is languishing in judicial custody since 07-08-2024.

6. On the other hand, the learned APP for the State has opposed the prayer for bail.

7. Considering the above-mentioned facts and circumstances, let the petitioner above-named be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand rupees) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise-II, Patna in connection with Jakkanpur P.S. Case No. 426 of 2024, subject to the condition that the petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.

8. Before release, the learned court below shall



verify the criminal antecedent of the petitioner and if he is found involved in any case other than the case(s) as mentioned in supplementary affidavit of the bail petition, his bail bond shall not be accepted.

(Nawneet Kumar Pandey, J)

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