

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72471 of 2024

Arising Out of PS. Case No.-293 Year-2024 Thana- AMAS District- Gaya

Upendra Singh @ Upendra Kumar Singh Son of Late Shatrughan Singh @
Late Satsohan Singh R/O Vill.- Anjan, P.S.- Madanpur, Dist.- Aurangabad,
Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 04-10-2024 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered
for the offence punishable under Sections 30(a), 36 of Bihar
Prohibition and Excise Act, 2022.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of nine cases and allegation is of recovery
of 1600 litres of spirit from a pick up van. 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
seized vehicle and he came to be implicated based on confessional
statement of Safdar Quraishi in police custody, which does not have
any evidentiary value. It is also submitted that once an accused is
implicated in a case relating to excise the police starts implicating



mechanically and in majority of the case either through chowkidar, local person, confessional statement or secret information.

4. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

5. 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 from today, be released on anticipatory bail on furnishing bail bonds of Rs.45000/- (Rupees forty five thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Amas P.S. Case No.293/2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

6. It is made clear that the learned trial court before accepting the bail bonds of the petitioner shall verify the criminal antecedents of the petitioner and in the event if it is found that petitioner has antecedent of more than nine cases, in that event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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