

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75539 of 2024

Arising Out of PS. Case No.-147 Year-2024 Thana- DURAULI District- Siwan

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1. Ved Prakash Upadhyay @ Bhola Upadhyay Son of Vinod Upadhyay
Resident Of Village- Melhi, Ps- Darauli, Dist.- Siwan
 2. Niku @ Miku Upadhyay @ Niku Upadhyay Son of Vinod Upadhyay
Resident Of Village- Melhi, Ps- Darauli, Dist.- Siwan

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Advocate
For the Opposite Party/s : Mr. Arun Kumar, APP

CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

2 22-11-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners are apprehending their arrest in connection with Darauli P.S. Case No. 147 of 2024 for the offence under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016 lodged on 17.05.2024 by the informant, Raushan Kumar.

3. As per the prosecution story, the police got secret information that some miscreants were hiding liquor in sand on the bank of Melhi Ghat. When police raided that place all the accused persons managed to escape from the place of occurrence. Upon search, recovery of 270 litres of country made



liquor have been made, which is the subject matter of the present case.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case and they are made scapegoat in the present case due to the police mechanism. Counsel further submitted that the petitioners have clean antecedent, and there is no criminal case pending against them.

5. Learned APP opposes the prayer for bail.

6. As per the F.I.R. and seizure list the alleged recovery of wine/liquor is said to have been made from the sand near the house of co-accused Vinod Upadhyay and the place of said recovery does not belong to the petitioner as per para 7 of the petition. Keeping in view the aforesaid facts, this Court is inclined to extend them the privilege of anticipatory bail.

7. Let the petitioners be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Exclusive Special Judge, Excise Court No. 1, Siwan, in connection with Darauli P.S. Case No. 147 of 2024 subject to the conditions as laid down under Section



438(2) of the Cr.P.C., as also with the following conditions:-

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioners 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 petitioners 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;

(iv) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(S. B. Pd. Singh, J)

Ankit Kumar/-

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