

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.6464 of 2024**

Arising Out of PS. Case No.-585 Year-2023 Thana- BARHARA District- Bhojpur

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Krishna Upadhyay @ Sunil Upadhyay @ Krishna Upadhya @ Sunil Upadhya  
Son of Late Rameshwar Upadhyay @ Ram Ishwar Upadhyay R/o vill -  
Babhangawan, P.S. - Barahara (Krishnagarh), Distt. - Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Amarrendra Kumar, Adv

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

2      16-02-2024                      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 Section  
30 (a) of the Bihar Prohibition & Excise Amendment Act.

3. The learned counsel for the petitioner submits that  
the petitioner has clean antecedent and allegation is of recovery  
of 16 liters of liquor from ruined house of the Raj Kishore  
Upadhaya.

4. The learned counsel for the petitioner submits that  
the petitioner was not arrested from the spot as such nothing  
was recovered from his conscious possession, even the alleged  
recovery is made from the place is not belongs to the petitioner



and it came to be implicated at the instance of the villager but the name of the villager does not disclose in the FIR which cast aspersion on the case of the prosecution. It is also submitted that if villager was aware that petitioner had concealed the liquor in the premises from where it was recovered and they did not inform the chaukidar or the police earlier.

5. Learned A.P.P opposes the 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,. 5,000/- ( Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise No.1, Bhojpur Ara in connection with Barahara ( Krishnagarh) P.S.Case No. 585 of 2023, subject to the conditions laid down under section 438(2) of the Cr. P.C.

**(Satyavrat Verma, J)**

N.K/-

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