

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19451 of 2025

Arising Out of PS. Case No.-147 Year-2024 Thana- GOPALPUR District- Gopalganj

Upendra Kumar Byahut @ Upendra Byahut S/o Mahesh Prasad @ Mahesh Byahut Resident of Vill - Jalalpur Kalwari Tola, P.S.- Kuchaikote, Distt.- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Kumar Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 16-04-2025 Heard Learned Counsel for the petitioner and
Learned A.P.P for the State.

2. The petitioner is apprehending arrest in connection with Gopalpur P.S. Case No.147 of 2024, for the offence punishable under Section30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution, the total recovery of 25.80 liters of country made and foreign liquor have been made from a motorcycle, which is the subject matter of the present case.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel also submits that petitioner was not present on the spot. He further submits that criminal antecedent of the petitioner is not clean as there are five criminal cases pending against him in which in all cases, he is on bail. Nothing has been recovered



from conscious possession of the petitioner. He further submits that the recovery has been made near a canal. He further submits that petitioner's name has come in this case by virtue of apprehended co-accused persons.

5. Counsel further submits that petitioner is ready to fulfill all the conditions whatsoever shall be imposed upon him.

6. Learned APP for the State opposes the prayer for bail of the petitioner and submits that criminal antecedent of the petitioner is not clean as there are five cases pending against him and this aspect must be taken into consideration.

7. In the present facts and circumstances, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for anticipatory bail of the petitioner is hereby rejected.

8. However, trial court is directed to consider the regular bail application of the petitioner, if he surrenders within 4 weeks from today and prays for regular bail, then trial court shall pass order without being prejudice of the present order preferably on the same day.

(Dr. Anshuman, J.)

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