

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22044 of 2025**

Arising Out of PS. Case No.-431 Year-2024 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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Upendra Ray Son of Suraj Ray village- ward No. 11, Dadpur, Chak Nur, Ps-
Samastipur (M), Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Piyush Kumar Pandey, Advocate
For the State : Mr. Upendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 30-04-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail, apprehending his arrest,
in connection with Samastipur Muffasil P.S. Case No. 431 of
2024, dated 18.10.2024, registered for the offences punishable
under Sections 30(a), 41(1) and 41(2) of the Bihar Prohibition
and Excise Act, 2022.

3. As per allegation, total 2591.28 litre of illicit liquor
has been recovered from a truck bearing Registration No. BR-
02-T-7930, standing at Pusa Road, Samastipur and one
motorcycle bearing Registration No. BR-33W-7505 was also
standing near the truck.

4. Learned counsel for the petitioner submits that the



Petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner has nothing to do with the truck which was involved in carrying the illicit liquor and he is no way involved in the alleged offence. Moreover, nothing has been recovered from the motorcycle.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the bail petition that the petitioner has no criminal antecedent.

7. However, learned APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned concerned Court Below, in connection with Samastipur Muffasil P.S. Case No. 431 of 2024, subject to the conditions as laid down under Section 438 (2) Cr.PC and on



the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J)

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