

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35123 of 2025

Arising Out of PS. Case No.-239 Year-2019 Thana- SANGRAMPUR District- East
Champaran

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Upendra Mukhiya S/o Indal Mukhiya Resident of village- Koirgawa Bin toli,
P.s.- Sangrampur, Distt.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate

For the Opposite Party/s : Mr.Rajiv Nayan, APP

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

- 3 01-07-2025 1. Heard learned counsel for the petitioner and
learned APP for the State.
2. The petitioner apprehends his arrest in connection
with Sangrampur P.S. Case no.239 of 2019 registered under
sections 30(a), 35 and 38 of the Bihar Prohibition and Excise
Act, 2016.
3. As per the prosecution case, a secret information
having been received that the petitioner along with others
involved in the business of liquor, the police party conducted
raid and 9 liters of country made liquor was recovered from the
house of the petitioner.
4. Learned counsel for the petitioner submits that the
petitioner has been falsely implicated in the case. No recovery
has been made from the physical or conscious possession of the
petitioner and the recovery has been shown from his house
which is a joint family property so specific allegation cannot be



imputed against the petitioner. The petitioner has only been made accused in this case due to his antecedents. The petitioner undertakes to cooperate in the case/trial.

5. The application for anticipatory bail is opposed by learned A.P.P. for the State who submits that the petitioner has five criminal antecedents. In response, learned counsel for the petitioner submits that he has is on bail in said cases.

6. At this stage, the petitioner has agreed to deposit an amount of Rs. 5,000/- in the account of Patna High Court Legal Services Committee, Patna bearing Account No. 1413010060836, IFSC Code: PUNB141320, Punjab National Bank, Bar Council Branch, Patna.

7. Considering the above mentioned facts and circumstances, it is directed that the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Sangrampur P.S. Case no.239 of 2019 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of the B.N.S.S,



2023 and subject to the following conditions:-

(I) One of the bailors of the petitioner shall be the family member/close relative of the petitioner.

(II) He shall co-operate in the investigation/trial and would make himself available before the Investigating Officer of the present case on an interval of every 15 days till the investigation is concluded against the petitioner.

(III) The learned Court below would however, verify the criminal antecedent of the petitioner and in case it is found that the petitioner has concealed his criminal antecedent, the Court below shall take step for cancellation of bail bond of the petitioner. However, it is expected that the verification process would be done expeditiously without causing any delay.

(IV) The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of the aforesaid amount in the account of Patna High Court Legal Services Committee.

(Soni Shrivastava, J)

Harsh/-

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