

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39027 of 2025

Arising Out of PS. Case No.-61 Year-2025 Thana- BHORE District- Gopalganj

Upendra Pathak Son of Nathuni Pathak Resident of Village- Manikpur, P.S.-
Gopalganj, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepankar Raj, Adv.

For the State : Mr. Kumar Veerendra Narayan, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 27-06-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Section 30(a) and 41(1) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. The FIR and the seizure list would go to show that there is recovery of total 2502 litres of foreign liquor from a 12 wheeler truck bearing Registration No. BR01GP3522 and two persons were arrested on the spot.

4. Learned counsel for the petitioner submits that the name of the petitioner has surfaced in the case on account of the fact that he is the owner of the seized truck, however, no recovery was made from his physical and conscious possession



and the petitioner had no knowledge that the vehicle had been put to illegal use. Further, there is no independent witness to the said seizure list.

5. Learned APP for the State, however, opposes the prayer for anticipatory bail on the ground that the petitioner is an accused in four other cases of similar nature.

6. The petitioner has, however, offered that he would deposit a sum of Rs. 10,000.00 (Rupees Ten Thousand) in account of Mahavir Cancer Sansthan, Patna bearing Account No. 3332964762, IFSC Code: CBIN0282779, MICR Code: 800016018, Central Bank of India, Chitkohra Branch, Patna.

7. Considering the facts and circumstances of the case, I am inclined to grant the privilege of anticipatory bail to the petitioner. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-XIII-cum-Special Excise Court No.-I, Gopalganj in connection with Bhore P.S. Case No. 61 of 2025, subject to the condition as laid down under Section 438 (2) of the Cr.P.C/ 482 (2) of the BNSS, 2023 and further subject to the following conditions that:



(I) One of the bailors shall be a family member or a close relative of the petitioner, who would give an affidavit giving genealogy as to how he is related with the petitioner.

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

(III) The petitioner shall cooperate in the investigation.

8. The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of the aforesaid amount in Mahavir Cancer Sansthan.

(Soni Shrivastava, J)

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