

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38884 of 2025

Arising Out of PS. Case No.-2 Year-2025 Thana- WAJIRGANJ District- Gaya

Upendra Kumar @ Upendra Kumar, S/o Lalu Yadav, R/o- Village-Bagai, P.S.-
Gurpa, District-Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Onkar Nath, Advocate

For the State : Mr. Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 25-06-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail, apprehending his arrest,
in connection with Wajirganj P.S. Case No. 02 of 2025, dated
04.01.2025 registered for the offences punishable under
Sections 30(a) of the Bihar Prohibition and Excise
(Amendment) Act, 2022.

3. As per the police case, there was secret information
that liquor is being transported by a vehicle. On checking, the
police found that one Scorpio vehicle was coming towards them
at fast speed and despite indication for stopping, the Scorpio
vehicle was not stopped and the driver of the vehicle and
another man came out from the vehicle and started fleeing away
and despite efforts of the police, they could not be apprehended.



On search the said vehicle, 1000 litre of illicit liquor has been recovered.

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 is neither driver of the said vehicle, nor the person who was allegedly sitting in the vehicle, nor is owner of the vehicle. The whole case against the petitioner is based only on suspicion and the petitioner is no way involved in the alleged offence, nor was he present on the place of recovery. As such, there is no cogent material against the petitioner and hence, no case is made out against the petitioner under the Excise Act and the present anticipatory bail petition is maintainable.

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 five criminal antecedents.

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 Wajirganj P.S. Case No. 02 of 2025, subject to the conditions as laid down under Section 482 (2) of the B.N.S.S., 2023 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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