

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.19126 of 2019**

Arising Out of PS. Case No.-80 Year-2019 Thana- SIWAN MUFFASIL District- Siwan

OM PRAKASH GIRI @ JHAPRU GIRI @ OM PRAKASH @ JHAGARU  
@ JHAGRU GIRI Son of Late Kapildeo Giri, Resident of Village-Lakhraw,  
Police Station-Siwan Muffasil, District-Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Ashok Kumar

For the Opposite Party/s : Mr.Pronoti Singh

**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL  
ORAL ORDER**

2      29-03-2019                      Heard learned counsel for the petitioner and learned  
APP for the State.

Petitioner seeks bail in connection with Siwan  
Muffasil P.S. Case No. 80 of 2019 for offences punishable under  
Section 272, 273, 308 of the Indian Penal Code and Sections  
30(a), 41(1) of the Bihar Prohibition and Excise (Amendment)  
Act, 2018.

The prosecution case, as lodged by the police  
personnel, is that on secret information that near Harijan Tola  
the petitioner and one another are trading in illicit liquor, the  
police conducted a raid and found three persons loading illicit  
liquor in a motorcycle. While two persons managed to flee away,  
co-accused Zakir Hussain was apprehended, who revealed the



name of petitioner and one another. 53.900 litres of illicit liquor was recovered from the motorcycle, and, accordingly, a seizure-list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent, was not apprehended by the police, nothing has been recovered from his conscious possession and the confessional statement of the apprehended co-accused before the police has no evidentiary value in the eye of law. Petitioner undertakes to cooperate in the investigation, not to tamper with the prosecution evidence and he is languishing in judicial custody since 02.03.2019.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner is a habitual offender and four more cases of similar nature are pending against him although the petitioner submits that in two cases he has been taken on remand.

Considering the nature of allegations, the materials on record and the period of custody, let petitioner, above named, be enlarged on bail on completion of four months in custody on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 2<sup>nd</sup> Addl. Sessions Judge cum Special Judge (Excise), Siwan, in



connection with Siwan Muffasil P.S. Case No. 80 of 2019,  
subject to the following conditions :

1. One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.
2. If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.

**(Nilu Agrawal, J)**

Rajesh/-

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