

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27887 of 2020

Arising Out of PS. Case No.-98 Year-2020 Thana- JALALPUR District- Saran

OM PRAKASH RAI S/o Chhavila Ray R/o Village- Gamharia Kala, P.S.-
Jalalpur, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anjani Parashar, Advocate

For the Opposite Party/s : Mr. Ajay Kumar Jha, A.P.P

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 24-11-2020 In view of the submission and the undertaking of the learned counsel for the petitioner, at the time of hearing of this application through video conferencing, that he would remove the defect(s), as pointed out by the office vide its notes dated 16.10.2020, within two weeks of starting of the Court proceeding in physical mode, he is permitted to remove the same accordingly.

Heard learned counsel for the petitioner and the learned A.P.P. for the State through video conferencing.

The petitioner apprehends his arrest in connection with Jalalpur P.S. Case no. 98 of 2020, registered under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The accusation is that when the informant and



other Police personnel were in patrolling duty then came to know that in the old market of village- Gamharia Kala, the liquor is being sold then informant and other Police personnel reached in the old market of village- Gamharia Kala near breakfast shop then saw a person present near the motorcycle. On seeing the Police party, he started fleeing, while he was chased, but he succeeded to flee away taking advantage of darkness. At that time, the person who succeeded to flee away was identified by the Chowkidar as Om Prakash (Petitioner). On search of motorcycle bearing registration No. BR04C-1890, a plastic container containing 10 liters of country made liquor recovered.

Learned counsel for the petitioner submits that, in fact, the petitioner is running a tea shop in the old market of village- Gamharia Kala due to that reason, the petitioner has falsely been implicated in this case. Further submission is that petitioner is not the owner of seized motorcycle from which a plastic container containing 10 liters of country made liquor is said to be recovered. The petitioner has no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in



the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. District & Sessions Judge-II-cum-Special Judge, Excise, Saran in connection with Jalalpur P.S. Case No. 98 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

manish/-

U		T	
---	--	---	--

