

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.20016 of 2021**

Arising Out of PS. Case No.-95 Year-2020 Thana- KAJI MUHAMMADPUR District-  
Muzaffarpur

Prakash Kumar @ Prakash @ Tinku, Son of Bhola Prasad, Resident of  
Mohalla - Badhai Tola, Pankha Toli, P.S. - Kazimohammadpur, District –  
Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Yugal Kishore, Advocate.  
For the Opposite Party/s : Mr. Mustaque Alam, APP

**CORAM: HONOURABLE MR. JUSTICE A. M. BADAR**  
**ORAL ORDER**

3      30-11-2021                      The applicant/accused in Crime No. 95 of 2020  
registered with Kazi Mohammadpur Police Station for the offences  
punishable under Sections 30(a) and 41 of the Bihar Prohibition and  
Excise Act, 2016 at the instance of Police Station Officer Md.  
Sujauddin, by this application is seeking his release on bail during  
pendency of the trial. The applicant is behind the bars from  
05.12.2020.

Heard the learned counsel appearing for the  
applicant/accused. He argued that the applicant/accused is entitled  
for bail on the basis of principle parity as co-accused Shahil Kumar  
is already directed to be released on bail.

The learned Additional Public Prosecutor opposed the  
application by contending that the offence is serious and 250 litres  
of Indian made foreign liquor came to be seized from the



possession of the applicant.

I have considered the submissions so advanced and also perused the material placed before me.

Co-accused Shahil Kumar is already directed to be released on bail by a coordinate Bench of this Court vide order dated 24.07.2021 passed in Criminal Misc. No. 14734 of 2021. Perusal of the material placed before me makes it clear that role attributed to the applicant is identical to this co-accused Shahil Kumar.

According to the prosecution case, the police received secret information that illicit liquor is being transported in a Honda city vehicle. On intercepting that vehicle, the occupier of that vehicle were successful in running away. Local inquiry reveals that the vehicle was occupied by Shahil Kumar, Prakash Kumar- the present applicant and other two persons and co-accused Shahil Kumar is already been released on bail and hence, the order :-

i. The application is allowed.

ii. The applicant/accused in Crime No. 95 of 2020 registered with Kazi Mohammadpur Police Station for the offences punishable under Sections 30(a) as well as 41 of the Bihar Prohibition and Excise Act, 2016 be released on bail on executing P.R. bond of Rs.15,000/- (Rupees Fifteen Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions: -



(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be forfeited by the court below.

(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith and the Registry to issue bail-writ as per this order only after removal of office objections by the appellant/accused.

Bhardwaj/-

**(A. M. Badar, J)**

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