

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.662 of 2021

Arising Out of PS. Case No.-294 Year-2020 Thana- BYPASS District- Patna

OM PRAKASH KUMAR Son of Surendra Yadav Resident of Village-
Sultani, P.S.- Paras Bigha, Distt- Jehanabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar,
Mr. Anant Kumar 1, Advocates
For the Opposite Party/s : Mr. Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 05-04-2021 Heard Mr. Sanjay Kumar, learned counsel for the
petitioner and Mr. Umesh Lal Verma, Additional Public
Prosecutor for the State.

Petitioner seeks regular bail in connection with
Bypass PS Case No. 294/2020, Special Case No. 5164/2020
registered for the offence punishable under Sections 120(B),
420, 414, 467, 468, 471 of the IPC and Section 30(a)/36, 41(I)
of Bihar Prohibition & Excise Act.

The allegation, as per First Information Report, is that
the police on the basis of secret information proceeded towards
the place of occurrence i.e., stone chips plant of one Vivek
Kumar and upon seeing the police party three persons tried to
flee away but were arrested including the petitioner and from



the stone chips plant 4815 litres of illicit liquor was recovered.

Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case with oblique motive. Learned counsel further submits that no illicit liquor has been recovered from the conscious possession of the petitioner or from the premises belonging to him and the petitioner has got no criminal antecedents. Learned counsel further submits that from perusal of the seizure list, it would be evident that only one Samsung Mobile has been recovered from the possession of the petitioner which belongs to him.

Learned counsel also submits that petitioner has got no concern with go-down of Vivek Kumar as well as articles seized from that go-down including the vehicles parked over there. Learned counsel next submits that similarly situated co-accused, namely, Suraj Pandey, who was arrested with the petitioner, has been granted bail by a Co-ordinate Bench of this court *vide* Cr. Misc. No. 5253/2021 on 25.03.2021. It is also submitted that petitioner is in custody since 03.09.2020 and the charge-sheet has already been submitted in the matter.

Having regard to the submissions made by the parties and taking into consideration the material on record and the fact



that similarly situated co-accused person has been granted bail by a Bench of this Court, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, OM PRAKASH KUMAR 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 Special Court, Excise, Patna in connection with Bypass PS Case No. 294/2020, Special Case No. 5164/2020.

It is made clear that at the time of furnishing bail bonds, all the parties shall follow the guidelines of social distancing.

(Anil Kumar Sinha, J)

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