

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48701 of 2021**

Arising Out of PS. Case No.-179 Year-2021 Thana- HAJIPUR SADAR District- Vaishali

OM PRAKASH KUMAR @ RAJA S/O SRI UMESH PRASAD YADAV R/o
village- Lalpokhar Jagdishpur (Digdhi Kala), P.S.- Sadar Hajipur, District-
Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur
Mr. Shivam

For the Opposite Party/s : Mr. Rana Randhir Singh

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

2 11-03-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Hajipur Sadar Police Station Case No. 179 of 2021, registered
for the offences punishable under Section 30(a) of the Bihar
Prohibition and Excise Act, 2016.

The prosecution case, as per the First Information
Report, is that from the motorcycle belonging to the petitioner,
09 litres of illicit liquor has been recovered and from the other
vehicles, parked near the cow-shed (bathan) of co-accused
Manish, 117 litres and 108 litres of illicit liquor has been
recovered.

Learned Counsel for the petitioner submits that the



petitioner has falsely been implicated in this case inasmuch as the illicit liquor has been recovered from the motorcycle of the petitioner, which was parked near the cow-shed of co-accused and the petitioner was not aware about the illicit liquor being kept therein because the motorcycle was parked in an open space, accessible to all and sundry. He further submits that the petitioner is in custody since 10.06.2021, having no criminal antecedent of similar nature of offence and charge sheet has been submitted against him and as such, there is no likelihood that the petitioner will abscond and/or tamper with the evidence.

Regards being had to the submissions advanced on behalf of the parties concerned and taking into consideration the materials available on record and the fact that the petitioner has got no criminal antecedent of similar nature of offence, charge sheet has already been submitted, the petitioner is in custody since 10.06.2021 and the trial is not likely to be concluded in near future due to pandemic, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of



learned 2nd Additional Sessions Judge -cum- Special Judge,
Excise, Vaishali, at Hajipur, in connection with Hajipur Sadar
Police Station Case No. 179 of 2021.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

U	✓	T	✓
---	---	---	---

