

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43792 of 2022

Arising Out of PS. Case No.-118 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Araria

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Omprakash Kumar, Son of Yogendra Kamat, Resident of Village - Kamal Jari
Ward no.10, P.S.- Kishanpur, Distt.- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ramesh Kumar Singh, Advocate
For the Opposite Party/s : Mrs.Gulnar Begum, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 30-09-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through video conferencing.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks from the date of resumption of
physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in
connection with Araria Excise Case No. 118 of 2022 registered
for the alleged offences under Section 30 (a) of the Bihar
Prohibition and Excise Act.

Allegedly, 178.2 litres of India made foreign liquor
was recovered from the a vehicle being driven by the petitioner.

Learned counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this



case. The petitioner has got no concern with either the seized liquor or the vehicle. Nothing incriminating has been recovered from his conscious possession. The co-accused Arjun Kumar has been granted bail by a Coordinate Bench of this Court vide order dated 29.08.2022 passed in Cr. Misc. No. 41334 of 2022. The prosecution report has been submitted in this case and the petitioner is in custody since 04.06.2022 and is having clean antecedent.

Learned A.P.P. opposes the prayer for bail made on behalf of the petitioner.

Having regard to the submissions made on behalf of the petitioner and considering the submission of charge sheet and the period of custody of the petitioner along with his clean antecedent, he is directed to be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise-II, Araria, in connection with Araria Excise Case No. 118 of 2022, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.



(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

V.K.Pandey/-

(Arun Kumar Jha, J)

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