

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54481 of 2021

Arising Out of PS. Case No.-145 Year-2021 Thana- NAVINAGAR District- Aurangabad

OMVIR CHAUHAN S/o Durga Prasad R/o village- Harauli Allipur, P.S.-
Fatehganj Purvi, District- Barauli (U.P.), at present Village- Mahuari, P.S.-
Navinagar, Distt.- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

.. .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 13-05-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Nabinagar Police Station Case No. 145 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 the police intercepted one motorcycle, being
driven by the petitioner, and recovered 75 litres of illicit
country-made liquor from the same.

Learned Counsel for the petitioner submits that the
petitioner has falsely been implicated by the police with oblique
motive and at the time of search and seizure, the procedure
prescribed under the provisions of the Code of Criminal
Procedure and the Bihar Prohibition and Excise Act, 2016 , has



not been followed. He further submits that the petitioner is not the owner of the motorcycle in question. He further submits that the petitioner is in custody since 29.06.2021, having no criminal antecedent 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 charge sheet has already been submitted and the petitioner is in custody since 29.06.2021, having no criminal antecedent, 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) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge -cum- Special Judge, Excise, Aurangabad, in connection with Nabinagar Police Station Case No. 145 of 2021.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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