

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62480 of 2021**

Arising Out of PS. Case No.-16 Year-2021 Thana- DAWATH District- Rohtas

Om Prakash Singh @ Bhuar @ Bhuar Singh S/O Jaglal Singh @ Bhaiyaram
Singh R/o village- Dhawai, P.S.- Dawath, District- Rohtas

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satyapal Singh
For the Opposite Party/s : Mr.Nand Kumar

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 01-04-2022 Heard.

The petitioner seeks regular bail in connection with Dawath P.S. Case No. 16 of 2021, registered for the offence punishable under sections 30(a) of the Bihar Prohibition & Excise (Amendment) Act, 2018.

The allegation is regarding recovery of 501.12 liters of illicit liquor from the house of one Dharamnath Singh.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is languishing in custody since 20.07.2021. The



learned counsel for the petitioner has further submitted that neither the house in question belongs to the petitioner nor the petitioner was arrested from the spot and, in fact, he has been made accused in the present case merely on account of his bad antecedent. It is also submitted that the name of the petitioner has been roped in the present case on suspicion as it appears from the FIR itself. Lastly, it is submitted that similarly situated co-accused person has already been granted the privilege of bail by a co-ordinate Bench of this Court vide order dated 13.01.2022 passed in Cr. Misc. No. 46984 of 2021.

Per contra, the learned APP for the State, has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the parties and taking into account the materials available on record as also considering the parity of the case of the petitioner with that of the co-accused person who has already been granted bail by a co-ordinate Bench



of this Court apart from the fact that neither the illicit liquor has been recovered from the conscious possession of the petitioner nor from his house nor the petitioner has been arrested from the spot, I deem it fit and proper to admit the petitioner to the privilege of regular bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned court of Additional Sessions Judge-2nd cum Special Judge, Excise, Rohtas at Sasaram in connection with Dawath P.S. Case No. 16 of 2021.

(Mohit Kumar Shah, J)

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