

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56374 of 2022

Arising Out of PS. Case No.-392 Year-2022 Thana- MALSALAMI District- Patna

Om Kumar, Son of Raju Prasad Sah @ Raja Ram Sah, Resident of
Kaimashikoh Near Guru Govind Singh College, P.S.- Chowk, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kaushal Kumar, Advocate

For the Opposite Party/s : Mrs.Pronoti Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 24-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Malsalami P.S. Case No. 392 of 2022 registered
for the alleged offences under Sections 30(a) and 36 of the Bihar
Prohibition and Excise Amendment Act, 2018.

As per prosecution case, police received secret
information about selling of illicit liquor and a raid was
conducted and this petitioner was apprehended. From the
possession of the petitioner 25 litres of country made liquor was
recovered.

The learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from his conscious possession. The petitioner has no concern with the recovered illicit liquor. There is no independent witness to support the prosecution version. The petitioner is in custody since 21.07.2022 and the charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting that the petitioner is accused in cases of similar nature.

Having regard to the submissions made hereinabove and considering the period of custody of the petitioner as well as submission of charge-sheet against him, the petitioner above named 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, Patna in connection with Malsalami P.S. Case No. 392 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.

(Arun Kumar Jha, J)

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