

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58536 of 2022

Arising Out of PS. Case No.-168 Year-2020 Thana- MANIYARI District- Muzaffarpur

Prakash Kumar @ Om Prakash, Son of Ashok Sah, R/V- Mohammadpur
Kanth, Ps- Sakra, Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Masoom Alam, Advocate

For the Opposite Party/s : Mr.Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 25-11-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

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 Maniyari P.S. Case No. 168 of 2020 registered
for the alleged offences under Sections 272, 273 and 290 of the
Indian Penal Code and Sections 30(a), 34, 36, 41 and 56 of the
Bihar Prohibition and Excise Act.

As per prosecution case, police received secret
information about petitioner doing illegal trade of liquor from a
white coloured vehicle parked at the cow shed of co-accused
Vikash Kumar Rai. A raid was conducted and the accused
persons fled away from the spot. From the search of the vehicle



parked in the cow shed of the co-accused, recovery of 70 litres of beer and 12.750 litres of India made foreign liquor were made.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession. The petitioner has no concern either with the vehicle from which the recovery has been made or the allegedly seized illicit liquor. The petitioner is in custody since 19.07.2022 and the charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting that the petitioner is a habitual offender and is accused in a number of cases.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from him and further considering the period of custody of the petitioner along with 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 Court No.-II, Muzaffarpur in connection with Maniyari P.S. Case No. 168 of 2020, 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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