

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70522 of 2021

Arising Out of PS. Case No.-83 Year-2021 Thana- MAHESHKHUNT District- Khagaria

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Omkar Kumar @ Raushan Kumar @ Onkar Kumar, S/o Naresh Parsad Sah,
R/o Village - Bhadas (South), P.S. - Muffasil, Distt. - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shri Prakash Tiwari, Advocate

For the Opposite Party/s : Mr. Harendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 29-07-2022 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 from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Maheshkhut P.S. Case No. 83 of 2021 registered for the alleged offences under Sections 30(a), 36, 41(i) of the Bihar Prohibition and Excise Amendment Act, 2018.

As per prosecution case, from the vehicle which met with an accident, total 872.28 litres of India made foreign liquor was recovered and co-accused persons were apprehended from the spot. The co-accused disclosed the name of the petitioner as one of the accused persons who was involved in illicit trade of liquor.



The learned counsel for the petitioner submits that the petitioner has been named in this case in a police conspiracy due to political enmity. The petitioner was not arrested from the spot and nothing has been recovered from his possession. The co-accused person named this petitioner in his confessional statement. The other co-accused persons, namely, Amlesh Kumar and Sonu Kumar have been granted bail by a Co-ordinate Bench of this Court vide order dated 15.04.2022 passed in Cr. Misc. No. 51910 of 2021 and order dated 26.05.2022 passed in Cr. Misc. No. 18442 of 2022, respectively. The petitioner is in custody since 02.08.2021 and the charge-sheet has been submitted in this case. Learned counsel further submits that though the petitioner has been made accused in five criminal cases, but in all those case, he has been granted either anticipatory bail or regular bail by the Co-ordinate Benches of this Court.

Learned APP opposes the prayer for bail submitting that the persons like petitioner work from behind the curtain and are managing illicit trade of liquor in the State of Bihar.

Perused the records.

Having regard to the submissions made hereinabove and considering the fact that the charge-sheet has been



submitted in this case and the petitioner is in custody for almost a year, 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 Khagaria in connection with Maheshkhut P.S. Case No. 83 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be the deponent, who has sworn the affidavit.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) 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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