

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46618 of 2023

Arising Out of PS. Case No.-39 Year-2023 Thana- WARISNAGAR District- Samastipur

OM PRAKASH YADAV S/O BHOLA YADAV @ DILIP KUMAR ROY AT
THE RESIDENT OF GODARGHAT, PS. KHANPUR, DIST. SAMASTIPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Braj Kishore Pd., APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 07-08-2023 Heard learned counsel appearing on behalf
of the parties.

2. The petitioner seeks bail in connection with Waris Nagar P.S. Case No. 39 of 2023 registered for the offence under Sections 419, 420, 467 and 468/34 of the Indian Penal Code and Sections 30(a), 30(c) and 30(d) of the Bihar Prohibition and Excise Act, 2018.

3. The accused/petitioner is named in the F.I.R. and is in custody since 02.06.2023.

4. The allegation against the petitioner is to be engaged in illegal trade of illicit liquor, where, there is recovery of 1811 empty bottles.

5. Learned counsel appearing on behalf of the petitioner submitted that empty bottles, which was alleged to be



stored, for the purpose of bottling of illicit liquor, recovered from the house of co-accused persons, namely, Nitish Kumar and Ranjit Kumar, as per seizure list and not from this petitioner, where, on the basis of disclosure of said co-accused persons, petitioner implicated with present case, where, nothing incriminating surfaced/recovered, during course of investigation, in furtherance of said disclosure, as to connect this petitioner, with present recovery. It is submitted that on same day, subsequent to this recovery, the petitioner was named in 02 more similar nature of cases, where, he is on bail. While concluding the argument, it is submitted that investigation of this case is completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State, opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above and by taking note of the fact as alleged recovery of empty bottles appears to be made from house of co-accused persons, Nitish Kumar and Ranjit Kumar and not from this petitioner coupled with the fact that charge-sheet has already submitted, where, petitioner is in custody since



02.06.2023, let the petitioner, above named, is directed to be released on bail in connection with Waris Nagar P.S. Case No. 39 of 2023, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise)-2, Samastipur/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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