

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46699 of 2023

Arising Out of PS. Case No.-28 Year-2023 Thana- KHANPURA District- Samastipur

OM PRAKASH YADAV @ OM YADAV @ OM PRAKASH, S/O Bhola
Yadav @ Dilip Kumar Roy, R/O Village- Godarghat, P.S.- Khanpur, Dist.
Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 31-07-2023 1. Heard learned counsel for the petitioner and
learned APP for the State.
2. Petitioner seeks regular bail in connection with
Khanpur P.S. Case No. 28 of 2023 dated 02.02.2023 registered
for the offences punishable under Sections 272 and 273 of the
Indian Penal Code and Section 30(a) and 30(c) of the Bihar
Prohibition and Excise Act.
3. The main submissions advanced by learned
counsel Mr. Jitendra Kumar appearing for the petitioner are that
admittedly, the alleged spirit was recovered from the *Palani* of
the co-accused Arun Kumar and the petitioner has no
connection with the said place and several persons including the
petitioner have been named in the FIR and they were alleged to



be indulged in manufacturing of the illicit liquor but, against this petitioner there is no specific allegation and the alleged liquor was not recovered from his possession and his name came into light from the confessional statement of co-accused Lalo Kumar, except this there is no any other material against him. Further submission is that the petitioner has been languishing in jail since 02.06.2023 and some co-accused persons namely, Gurudeo Paswan and Anand Kumar @ Chhotu Paswan @ Sharma Jee carrying almost similar nature of allegation have been granted bail by different Benches of this Court vide orders passed in Cr. Misc. Nos. 39312 of 2023 and 36781 of 2023 respectively.

4. Learned APP Mr. Md. Nazir Ansari appearing for the State has opposed the prayer for bail.

5. Considering the above submissions and mainly petitioner's case being similar to the above-mentioned co-accused who are on bail and also, the fact that the alleged spirit is stated to have been recovered from the *Palani* of co-accused Arun Kumar and the second seizure list does not contain the details of the accused that from whose possession the rest part of the alleged spirit was recovered, in my opinion, it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-



above be enlarged on bail on furnishing bail bond of Rs.
10,000/- (ten thousand) with two sureties of the like amount
each to the satisfaction of the concerned Court in connection
with Khanpur P.S. Case No. 28 of 2023.

(Shailendra Singh, J.)

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