

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.49563 of 2023

Arising Out of PS. Case No.-325 Year-2023 Thana- BRAHMPUR District- Buxar

OM PRAKASH SINGH Son of Sudarshan Singh Resident of village - Badki Basauli, P.S. - Buxar (M), Distt. - Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Setu Prateek

For the Opposite Party/s : Mr. Narsingh Tanti

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

2 11-08-2023 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Brahmpur Police Station Case No. 325 of 2023, dated 06.06.2023, disclosing offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2018 (hereinafter referred to as 'the Act').

The prosecution case, as per the First Information Report, is that the police, on secret information that an ambulance, bearing no. 102, was standing by the garden in Dodhanpura village filled with illicit liquor, reached the place of



occurrence and upon seeing the police party two persons sitting in the ambulance tried to flee away. The police apprehended one person, namely, Kaushal Kumar Ojha @ Bindu Ojha and another person succeeded in fleeing away. Upon search, total 25.9 liters of illicit liquor was recovered.

Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case on the basis of disclosure made by the arrested co-accused. He further submits that the petitioner is not the owner of the ambulance, in question, from where illicit liquor has been recovered.

After having heard learned Counsel for the parties and taking into consideration the fact that the petitioner has been made accused on the basis of disclosure by the arrested co-accused and the ambulance, in question, does not belong to he petitioner, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Excise Special Court II, Buxar, in



connection with Brahmpur Police Station Case No. 325 of 2023,
subject to the condition laid down under Section 438 (2) of the
Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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