

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62209 of 2023

Arising Out of PS. Case No.-269 Year-2023 Thana- DURGAWATI District- Kaimur (Bhabua)

OM PRAKASH KUMAR @ O.P. son of Bhanu Pratap Singh Village- Mahro
Ps- Mohania Dist- Kaimur at Bhabua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Adv.

For the Opposite Party/s : Mr. Shyam Bihari Singh, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 18-10-2023 Heard learned counsel for the petitioner and learned APP
for the State.

2. Petitioner apprehends his arrest in connection with a case registered for the offence 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. Altogether 47.54 litres of illicit liquor has been recovered from two motorcycles. Two accused persons were apprehended on the spot and disclosed the name of the petitioner.

4. Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence as alleged in the FIR. Petitioner has been falsely implicated in this case at the instance of his enemies. His name transpired in this case on the disclosure of his name by the apprehended co-accused persons, which has no evidentiary value in the eye of law.



Petitioner has neither been apprehended on the spot nor any incriminating article has been recovered from his conscious physical possession. He has no concern either with the seized liquor or any trade of liquor or place of recovery. Petitioner has no criminal antecedent mentioned in para-3 of the bail application.

5. Petitioner is agreed to deposit a sum of Rs.5,000.00/- (Rupees Five Thousand) in the Patna High Court Legal Services Committee, Patna bearing Account No.1413010060836, IFSC PUNB0141320, Punjab National Bank, Bar Council Branch, Patna.

6. Considering the aforesaid facts and circumstances, let the petitioner, named above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail, on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below, where the case is pending/Successor court, in connection with Durgawati P.S. Case No. 269 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, as also the following conditions.

(i) That one of the bailors will be a close relative of



the petitioner, who will give an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) The bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature and thereafter the Court below will be at liberty to initiate proceeding for cancellation of anticipatory bail on the ground of misuse.

7. The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of the aforesaid amount in the Patna High Court Legal Services Committee.

(Anjani Kumar Sharan, J)

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