

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62599 of 2022

Arising Out of PS. Case No.-376 Year-2022 Thana- NAUTAN District- West Champaran

OM PRAKASH KUMAR S/O Ashok Sahani R/O Village- Chilwaniya, P.S-
Banjariya, District- East Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr.Pushpa Sinha

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 04-01-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Nautan
P.S. Case No. 376 of 2022 registered for the offences punishable
under Section 414 of the Indian Penal Code and under Section
30(a) of the Bihar Prohibition and Excise Amendment Act.

As per prosecution case, there is alleged recovery of
156.9 liter foreign liquor from the tempo in question. Petitioner
is allegedly working as liner from motorcycle and apprehended
on spot.

Learned counsel for the petitioner submits that
petitioner is in custody since 12.07.2022. Petitioner bears four
criminal antecedents out of which two cases are of similar
nature. Charge sheet has already been submitted in the case and



there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits nothing has been recovered from the conscious possession or personal possession of the petitioner. Petitioner is innocent and has falsely been implicated in the present case. Learned counsel further submits that co-accused Rajeshwar Sahni and Shyam Kishore Kumar have already been granted bail vide Cr. Misc. No. 57349 of 2022 by a co-ordinate bench of this Court and the case of present petitioner stands on similar footing.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence as submitted, co-accused persons have already been granted bail by a co-ordinate bench and also taking into consideration the material available on record, let the petitioner above named be released on bail after framing of charge on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise, Bettiah, West Champaran in connection with Nautan P.S. Case No. 376



of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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