

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65874 of 2023

Arising Out of PS. Case No.-531 Year-2023 Thana- BIHTA District- Patna

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OM PRAKASH SINGH @ OM PRAKASH SHARMA @ SUGGI SON OF
LATE LAWLESH SHARMA@ LOHAR SHARMA @ LAULESH @
LAULESH SINGH RESIDENT OF VILLAGE- AMHARA, PS- BIHTA,
DISTT-PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Md. Mushtaque Alam, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 18-10-2023

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Bihta P.S. Case no.531 of 2023 registered under sections 30(a), 32(i)(ii), 36, 41 (i)(ii) and 62 of the Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution case, on secret information having been received, a raid was conducted. It is stated that seeing the police personnel, the accused persons escaped but one namely Vishal Kumar was arrested. A total of 3496.72 litres of liquor was recovered. The said Vishal Kumar named six persons who had managed to escape which included the petitioner herein.

4. Learned counsel for the petitioner submits that



neither the petitioner was arrested at the spot nor any incriminating article recovered from his possession. The only material against him is the statement of co-accused Vishal Kumar made before police. The said Vishal Kumar has been enlarged on bail vide order dated 8.8.2023 passed in Cr. Misc. no.47361 of 2023. The petitioner is in custody since 22.7.2023. The petitioner has no antecedent under the Bihar Prohibition and Excise Act, 2016.

5. Heard learned A.P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration the nature of allegation against the petitioner in the F.I.R., the name of the petitioner transpiring in the statement of co-accused Vishal Kumar made before police, grant of bail to the said Vishal Kumar and the petitioner not having any antecedent under the Bihar Prohibition and Excise Act, 2016, the Court directs the petitioner to be enlarged on bail in connection with Bihta P.S. Case no.531 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 the learned Special Excise Judge, Danapur, District Patna.

(Partha Sarthy, J)

Saurabh/-

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