

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72867 of 2022

Arising Out of PS. Case No.-414 Year-2021 Thana- MADHUBANI TOWN District-
Madhubani

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OM PRAKASH SAH @ OM SAH Son of Dukhi Sah R/o Maharajganj
(Suratganj), Ward no. 15, P.S- Town, Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bhavesh Kumar Sah, Adv.

For the Opposite Party/s : Mr.Gauri Shankar Gupta, APP.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 13-01-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual Court proceedings.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 272 & 273 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act.

The prosecution story, in short, is that on secret information, police reached at the house of Santosh Purbey and Bikky Purbey. On seeing the police party, two persons escaped away. Thereafter, police entered their house and saw that three persons escaped away from back door. Total 22.3 litres of illicit liquor has been recovered.

It is submitted by learned counsel for the petitioner that



petitioner is quite innocent and has committed no offence. No incriminating article has been recovered from the conscious physical possession of the petitioner rather seized country made liquor /foreign liquor is said to have been recovered from the house of co-accused Santosh Purve. Petitioner has no concern either with the seized liquor or the place of recovery or any trade of liquor. He was not apprehended on the spot. He has been made accused in this case merely on the basis of statement of local people. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

Petitioner is agreed to deposit a sum of Rs.10,000.00 (Rupees Ten Thousand) in the PM Cares fund, bearing Account No.2121PM20202, IFSC Code: SBIN 0000691, SWIFT Code: SBININBB104, State Bank of India, New Delhi Main Branch, UPI ID : pmcares@sbi.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending/successor Court in connection



with Town P.S. Case No. 414 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, subject to the further conditions that

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of the aforesaid amount in PM Cares fund.

(Anjani Kumar Sharan, J)

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