

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81142 of 2023

Arising Out of PS. Case No.-387 Year-2022 Thana- KUCHAIKOTE District- Gopalganj

OM PRAKASH YADAV SON OF SITARAM YADAV RESIDENT OF
VILLAGE- DHOLOPUR, PS- HAYAGHAT, DISTT- DARBHANGA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rambabu Yadav, Adv.
For the Opposite Party/s : Mr.Mohammed Arif,APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 20-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Section 30(a), 32(2), 41(1) of the Bihar Prohibition & Excise (Amendment) Act, 2018.

3. Allegedly, 469.980 litres of foreign liquor has been recovered from the seized Scorpio. Two persons were apprehended on the spot.

4. 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. He has no concern either with the seized liquor or place of recovery or any trade of



liquor. The allegation levelled against the petitioner is general and omnibus in nature. He is neither the owner nor the driver of the seized Scorpio. He was not apprehended on the spot. He had not consumed liquor. His name has been transpired in the present case merely on the basis of the confessional statements of the apprehended co-accused. Petitioner has one criminal antecedent of similar nature that of the present case, as mentioned in para 3 of the bail application.

5. Petitioner is agreed to deposit a sum of Rs. 20,000.00 (Rupees Twenty Thousand) in account of Mahavir Cancer Sansthan, Patna, bearing Account No.3332964762, IFSC Code: CBIN0282779, MICR Code: 800016018, Central Bank of India, Chitkohra Branch, Patna.

6. 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 Kuchaikote P.S. Case No. 387 of 2022, 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.

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 Mahavir Cancer Sansthan, Patna.

(Anjani Kumar Sharan, J)

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