

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9797 of 2024

Arising Out of PS. Case No.-806 Year-2023 Thana- Excise P.S. District- Sheikhpura

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Omkar Kumar Son of Kaushlendra Kumar Singh R/o vill - Maldah, ward no.
06, P.S. - Barbiga, Distt. - Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner : Mr. Dinkar Kumar, Advocate
For the State : Ms. Suman Kumari Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 20-02-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Excise
P.S. Case No. 806 of 2023 instituted for the offence under
Section 30(a), 32, 41, 56(a) of the Bihar Prohibition and Excise
Act, 2018.

3. As per prosecution case, there is recovery of total
112.500 liters of illicit foreign liquor from farmyard.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 22-12-2023. Petitioner is
stated to be man of clean antecedent.

5. It has been further submitted by the petitioner's
counsel that petitioner has been falsely implicated in the present



case. Petitioner has no concern with the alleged recovered liquor. The recovery is from an open place, which is accessible to one and all. There is no compliance of Section 100 of the Code of Criminal Procedure, 1973.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, clean antecedent of the petitioner and manner of implication, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Excise P.S. Case No. 806 of 2023.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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