

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33417 of 2025

Arising Out of PS. Case No.-39 Year-2025 Thana- JAYNAGAR District- Madhubani

Om Kumar Giri @ Om Prakash Giri Son of Kari Giri Resident of village -
Badiha, Ward No.- 15, P.S.- Jaynagar, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumari Pallavi

For the Opposite Party/s : Mr.Pronoti Singh

CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH

ORAL ORDER

2 26-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in connection with Jaynagar P.S. Case No, 39 of 2025 registered for the offence punishable under sections 30(a) of the Bihar Prohibition and Excise Act and Section 274, 275, 317(5) of the BNS.

3. Prosecution case relates to recovery of 279 litres Nepali country made liquor from two motorcycles out of which one was without registration number and another motorcycle bearing Reg. No. BR0EA8073. Petitioner was apprehended on spot while another accused person managed to escape.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has got no criminal antecedent. He



has no concern with the alleged recovery or with the seized motorcycle. No any incriminating article has been recovered from his conscious possession. Provision of Section 100 CR.P.C. has not been followed by the police officials while preparing the seizure list as both the seizure list witnesses are police officials. It is submitted by learned counsel for the petitioner that after investigation, chargesheet has been submitted against the petitioner. He is languishing in judicial custody since 11.02.2025.

5. Learned APP appearing for the State has opposed the prayer of Bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail **after framing of charge**. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned District & Additional Sessions Judge-II-cum-Special Judge, Excise, Madhubani in connection with Jaynagar P.S. Case No. 39 of 2025 with the following conditions:

(i) One of the bailors should be close relative of the



petitioner.

(ii) Petitioner shall co-operate in the trial and shall be present on each and every fixed date and on his absence on two consecutive dates without sufficient reason, his bail bonds may be cancelled by the learned trial Court.

(S. B. Pd. Singh, J)

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