

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36710 of 2025

Arising Out of PS. Case No.-23 Year-2025 Thana- DEV District- Aurangabad

Om Prakash Kumar, age 27 years, Male, S/o Suresh Ram, Resident of village- Chorar @ Udaigarh, P.S.- Chhatarpur, District- Palamu, Jharkhand

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar Pandey, Advocate

For the Opposite Party/s : Ms.Pushpa Sinha 1, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 18-06-2025 Heard Mr. Binod Kumar Pandey, learned counsel appearing on behalf of the petitioner and Ms. Pushpa Sinha 1, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Dev P.S. Case No. 23 of 2025 registered for the offence(s) punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per the allegation made in the FIR, 20 litres of illicit liquor was recovered from a motorcycle bearing Registration No.JH03W 4813.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner is innocent and has falsely been implicated in the present case. Admittedly, at the time of the alleged seizure and recovery of illicit liquor, petitioner was



not present and he has been made accused in this case, being the owner of the vehicle in question, which was given by the petitioner to co-accused Rupesh Kumar, who is his brother – in-law and the same was being driven by him at the time of said incidence and, as such, the petitioner had no idea that he was carrying liquor on the said motorcycle. Petitioner has clean antecedent.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation made in the FIR and also the fact that petitioner has clean antecedent, I am of the opinion that petitioner has, prima facie, made out a case to be released on pre-arrest bail.

7. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned District and Additional Sessions Judge-cum- Exclusive Special Judge, Excise Court No.1, Aurangabad, Bihar / Concerned Court in connection with Dev P.S. Case No. 23 of 2025, subject to the conditions as laid down under Section



482(2) of the BNSS.

8. The learned District Court is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases, as what has been stated in paragraph no.3 of the bail application, this order will automatically lose its force.

(Purnendu Singh, J)

Sanjay/-

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