

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87249 of 2025

Arising Out of PS. Case No.-405 Year-2025 Thana- KALYANPUR District- East Champaran

Omprakash Kumar @ Umashankar @ Om Prakash Son of Rambhu Rai
Resident of Village - Madhopur Swarup, P.S. - Kalyanpur, Dist. - East
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

Mr. Harsha Shashwat, Advocate

For the Opposite Party/s : Mr. Md. Nazir Ansari, APP

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

ORAL ORDER

2 18-12-2025 Heard learned counsel for the petitioner and learned

APP for the State.

2. The petitioner seeks bail in connection with Kalyanpur P.S. Case No. 405 of 2025 instituted for the offences punishable under Sections 30(a), 41(1) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that total 336.96 litres of liquor was recovered, out of which 43.200 litres of liquor was recovered from Milk van and 293.760 litres of liquor was recovered from the house of the petitioner.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. Apprehended co-accused person disclosed the name of the petitioner. No incriminating article has been recovered from the



conscious possession of the petitioner rather the recovery has been made from the joint house of the petitioner where other family members of the petitioner also reside. The petitioner has got no concern with the alleged recovery of liquor. The vehicle in question does not belong to the petitioner. The petitioner is in custody since 09.11.2025 and has no criminal antecedent. There is no compliance of Section 103 of the Bharatiya Nagarika Suraksha Sanhita, 2023.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Kalyanpur P.S. Case No. 405 of 2025.

(Rudra Prakash Mishra, J)

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