

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.66207 of 2018

Arising Out of PS. Case No.-231 Year-2018 Thana- MALSALAMI District- Patna

Ashok Yadav @ Ashok Ray Son of Late Fudi Rai Resident of Mohalla-Pathar
Ghat,P.S. Malsalami,Distt.-Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Raj Shekhar, Adv.
For the Opposite Party/s : Mr. Atul Chandra, APP

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

2 17-12-2018 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with
Malsalami P.S. Case No. 231 of 2018 corresponding to Special
Case No. 5705 of 2018 registered for the offences punishable
under Sections 272 and 273/34 of the Indian Penal Code read
with Section 30(a) of Bihar Excise and Prohibition Act, 2016.

The first information report goes to show that the
alleged recovery of country made liquor was made from
Mushahari Nala and the persons, who had assembled at the time
of aforesaid recovery, disclosed the name of petitioner.

Para 3 of the petition goes to show that prior to
institution of present case, three cases of similar nature were



registered against the petitioner but submission on behalf of the petitioner is that all the above stated cases were registered against the petitioner only on the basis of confessional statement as well as disclosure made by unknown persons and as a matter of fact, nothing was recovered from conscious possession of the petitioner in the aforesaid cases also.

Considering the aforesaid facts and circumstances as well as submissions of the parties, this anticipatory bail petition is allowed and it is ordered that petitioner, in the event of his arrest/ surrender within four weeks from the date of receipt of this order to the court concerned, shall 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 learned Special Judge, Excise, Patna in Malsalami P.S. Case No. 231 of 2018 corresponding to Special Case No. 5705 of 2018 subject to conditions as laid down under Section 438(2) of the Cr.P.C.

(Hemant Kumar Srivastava, J)

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