

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38145 of 2021

Arising Out of PS. Case No.-64 Year-2020 Thana- BAIKUNTHPUR District- Gopalganj

Ashraf Mian @ Ashraf Ali, S/o Nakal Mian, R/o village- Sirsa Purani Tola,
P.S.- Baikunthpur, District- Gopalganj

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Ranjan, Advocate
For the Opposite Party/s : Mr.Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 14-12-2021 Heard learned Counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Trial
No.4442 of 2021 arising out of Baikunthpur P.S. Case No.64 of
2020 registered for the offence punishable under Section
272/273/34 of the Indian Penal Code and Section 30(a) of the
Bihar Excise (Amendment) Act, 2016.

There is alleged recovery of total 46.800 litres of
illicit liquor from the house of the petitioner.

Counsel for the petitioner submits that it is a case of
false implication. There is no recovery from the conscious
possession of the petitioner. Upon his surrender in the instant
case on 08.03.2021, he has remained in custody since then. He
has no criminal antecedents and after his implication in this



case, he has been made accused in Baikunthpur P.S. Case No.154 of 2017. In this connection, he has also filed a supplementary affidavit. Office to trace the same and place it on record.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-II, Gopalganj, in connection with Trial No.4442 of 2021 arising out of Baikunthpur P.S. Case No.64 of 2020, subject to the following conditions:

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the



court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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