

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10679 of 2022**

Arising Out of PS. Case No.-37 Year-2021 Thana- MOHAMMADPUR District- Gopalganj

Ashok Rai @ Ashok Prasad Yadav Son of Rajbalam Rai Resident of Village-
Ghoghraha, P.S.- Mohammdpur, District- Gopalganj.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Radha Mohan Singh

For the Opposite Party/s : Mr.Upendra Kumar

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 26-04-2022 Heard learned counsel for the petitioner and learned
A.P.P for the State.

The petitioner seeks bail in Mohammadpur P.S. Case No. 37 of 2021, registered for the offence punishable punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

1760 litres of illicit liquor and 50 litres of spirit have been recovered from the bank of Gandak river and petitioner is alleged to have fled away from the place of recovery and has been identified by the local Chowkidar.

It is submitted that no recovery has been made from conscious possession of this petitioner. Petitioner has been made accused in this case only on suspicion and he has got no concern with the seized liquor. Petitioner is in custody since 28.12.2021.



Investigation is complete.

Learned APP however vehemently opposed the prayer for bail and submitted that petitioner has got two criminal antecedents of similar nature.

Considering the facts aforesaid and the nature of allegation, I am not inclined to enlarge the petitioner above-named on bail. Accordingly, the same is rejected.

However, once charge is framed and trial commences, the petitioner shall be released on bail by the learned trial court on its own satisfaction and on the condition that petitioner will cooperate in disposal of trial and appear before the court, as and when required.

(Prabhat Kumar Singh, J)

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