

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37035 of 2022

Arising Out of PS. Case No.-67 Year-2021 Thana- JAMHOR District- Aurangabad

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ASHOK KUMAR @ ASHOK SINGH S/O DINANATH YADAV Resident of
Village- Radhebigha, P.S.- Obra, District- Aurangabad (Bihar).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kamlendra Pd. Singh

For the Opposite Party/s : Mr.Nityanand

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 23-09-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The instant application for anticipatory bail has been
filed by the petitioner apprehending his arrest in connection
with Jamhore P.S. Case no. 67 of 2021 instituted for the offence
under Section 30(a) of the Bihar Prohibition of Excise Act.

Prosecution case relates to recovery of 945 litres of
country made liquor from three vehicles which were parked in
the field of co-accused Bikram Kumar, who has disclosed the
name of the petitioner.

Learned counsel appearing on behalf of the petitioner
has submitted that petitioner is innocent and has committed no
offence. Petitioner has no concern with the alleged recovery or
with the vehicle in question. The name of the petitioner has been



disclosed in this case by apprehended co-accused Bikram Kumar before the police, which has got no evidentiary value in the eye of law. Neither the petitioner was arrested nor any incriminating article has been recovered from his possession.

Learned APP appearing for the State has opposed the prayer of Bail.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Jamhore P.S. Case no. 67 of 2021, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-II-cum-Special Judge, Excise, Aurangabad subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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