

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.57393 of 2022**

Arising Out of PS. Case No.-159 Year-2022 Thana- DINARA District- Rohtas

Ashok Kumar @ Bigan Son of Mahendra Prasad Resident of Village -  
Bikramganj, P.S.- Bikramganj, District - Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate

For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

2      17-11-2022                      Heard learned counsel appearing on behalf of the  
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of  
four weeks from today.

The petitioner seeks bail in connection with Dinara P.S.  
Case No. 159 of 2022 registered for the offence under Sections 30(a)  
(d)(b)(c)(e)(f), 33 and 36 of the Bihar Prohibition and Excise Act,  
2018.

The accused/petitioner is named in the F.I.R. and is in  
custody since 18.05.2022.

The allegation against the petitioner is to be engaged in  
illegal trading/manufacturing of illicit liquor, where, there is recovery  
of 300 litres of spirit, rappers, empty bottle and a sealing/punching  
machine.

Learned counsel appearing on behalf of the petitioner  
submitted that the name of the petitioner surfaced on the basis of



confessional statement of co-accused, namely, Sonu Kumar and admittedly, no incriminating material including spirit were recovered from the conscious physical possession of this petitioner. It is further pointed out that petitioner involved in one more case of similar nature, where he is on bail. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as alleged spirit including incriminating material not appears to be recovered from the conscious physical possession of this petitioner coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Dinara P.S. Case No. 159 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge Excise Court No. 1, Rohtas at Sasaram/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

**(Chandra Shekhar Jha, J)**

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