

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68411 of 2022

Arising Out of PS. Case No.-37 Year-2022 Thana- ROSHANGANJ District- Gaya

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ASHISH KUMAR SON OF RAJDEO YADAV R/O VILL.- KOSMAHI, P.S.-
HANTERGANJ, DISTT.- CHATRA (JHARKHAND)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ganesh Prasad Yadav

For the Opposite Party/s : Mr.Damodar Prasad Tiwary

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 16-12-2022 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 Roushanganj (Banke Bazar) P.S. Case no. 37 of 2022 instituted for the offence under Section 30(a) of the Bihar Prohibition of Excise Act.

Prosecution case relates to recovery of 13.125 litres of IMFL from the motorcycle of the petitioner bearing Registration No. JH02BE-4038. On seeing the police party, two persons managed to escape.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has got no criminal antecedent. Petitioner has no



concern with the alleged recovery. Because of his ownership, he has been implicated in the present case. 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.

Petitioner is directed to deposit Rs. 10,000/- (Rs. Ten thousand) in the concerned DLSA.

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 Roushanganj (Banke Bazar) P.S. Case no. 37 of 2022, 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 Court Special Judge Excise Act, Gaya subject to the conditions as laid down under section 438(2) of the Cr.P.C.

The bail bonds of the petitioner shall be accepted by the learned court below on showing receipt of deposit of Rs. 10,000/- (Ten thousand only) by the petitioner in the account of



concerned DLSA.

(Sunil Kumar Panwar, J)

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