

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.17565 of 2023**

Arising Out of PS. Case No.-160 Year-2022 Thana- JAMALPUR District- Munger

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ASHIK PRASAD SHARMA @ ASHIK SHARMA S/O RAGHUNANDAN  
SHARMA @ RAGHUNANDAN PRASAD SHARMA R/v- Barachak Boring  
Dhawrah, P.S.- Kulti, District- Barddhawan, West Bengal

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Ms. Deep Nishi, Advocate

For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

2      10-05-2023                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

The petitioner apprehends his arrest in a case  
registered for the offences punishable under Sections 30(a) and  
32 of the Bihar Excise Act.

Learned counsel for the petitioner submits that the  
petitioner is a person with clean antecedent and allegation is of  
total recovery of 86.4 liters of liquor from possession of one  
Mohan Yadav and Jitu Yadav.

Learned counsel for the petitioner submits that the  
petitioner was not arrested from the spot as such nothing was  
recovered from his conscious possession, it is next submitted  
that he came to be implicated based on confessional statement



of apprehended co-accused in police custody which does not have any evidentiary value, when admittedly the petitioner is a person with clean antecedent.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 1,000/- (Rupees One Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Jamalpur P.S. Case No. 160 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

**(Satyavrat Verma, J)**

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