

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.6099 of 2023**

Arising Out of PS. Case No.-103 Year-2017 Thana- FULKAHA District- Araria

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ASHRAF HASAN @ FUL HASAN @ ASHRAF S/o Nazim R/o Village-  
Kadampura, P.S.- Kishanpur, Distt- Supaul. At presently residing at Balua  
Bazar, P.S.- Balua Bazar, Distt- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr. Kundan Kumar Singh

For the Opposite Party/s : Mr. Satya Nand Shukla

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR  
PANDEY**

**ORAL ORDER**

2      01-05-2023                      Heard learned counsel for the petitioner as well as  
learned APP for the State.

In this case, the petitioner is seeking regular bail in  
connection with Fulkaha P.S. Case No. 103 of 2017, registered for  
the offences punishable under Sections 272/273 of the I.P.C. r/w 30  
(a) Bihar Prohibition and Excise Act, 2016.

As per allegation, 780 liters of liquor was recovered  
from Sumo vehicle driven by the petitioner.

The learned counsel for the petitioner has submitted  
that petitioner is a driver. He was not aware with the consignment  
loaded on his vehicle. There is no other criminal case of similar  
nature against him and he is under custody since 22.11.2021.

Considering the above-mentioned facts and circumstances,  
especially the period of custody, let the petitioner above-named be  
released on bail on furnishing bail bonds of Rs.10,000/- with two  
sureties of the like amount each to the satisfaction of learned  
Exclusive Special Judge, Excise-II, Araria in connection with



Fulkaha P.S. Case No. 103 of 2017, subject to the following conditions:-

(i) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.

(ii) If the petitioner is found involved in future in the similar type of offence, the prosecution will have liberty to file an application before the court below for cancellation of the bail of the petitioner and the learned court below will take decision in accordance with law.

**(iii) Before accepting the bail bond of the petitioner, the learned court below shall verify his criminal antecedent and if it is found that he is not involved in any other case than the present one or except Chandil Kapali (O.P) (jharkhand) P.S. Case No. 153 of 2020 under section 379 of the Indian Penal Code, the learned court below shall accept his bail bond.**

**The verification of criminal antecedent of the petitioner must be made within a period of four weeks of receipt of this order.**

**(Nawneet Kumar Pandey, J)**

Sudha/Sonali

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