

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.777 of 2023

Arising Out of PS. Case No.-319 Year-2022 Thana- HASPURA District- Aurangabad

ASHOK SHARMA @ ASHOK KUMAR SHARMA Son of Kameshwar
Mistry @ Kameshwar Sharma R/V- Kishunpur, P.S- haspura, Dist-
Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Chandra, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 10-02-2023 Heard learned counsel for the petitioner and the
learned APP for the State

The petitioner apprehends his arrest in connection
with Haspura P.S. Case No.319 of 2022 instituted under
Sections 30(a) Bihar Prohibition and Excise (Amendment) Act,
2018.

As per the prosecution story, the police got secret
information that this petitioner along with other co-accused are
preparing liquor and in a field nearby hut was searched and
allegation is of recovery/seizure of 10 liters 'Mahua', 50 liters
'Jawa Mahua' and 5 liters 'Deshi Mahua'. Accordingly, on the
basis of information gathered, FIR against this petitioner was
lodged.

Learned counsel for the petitioner submits that he had



nothing to do with the said seizure, the hut does not belong to him and he is on inimical term with Arvind Kumar who gave his name.

Learned APP on the other hand opposes the prayer for anticipatory bail.

Considering the aforesaid facts submitted by the petitioner as also that he do not have criminal antecedent, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail, in the event of his arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Haspura P.S. Case No.319 of 2022 to the satisfaction of learned Special Judge Excise, IInd, Aurangabad, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions that:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner will make himself available to the police as and when required in course of investigation;

(iii) the petitioner shall appear on each and every date



before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iv) the petitioner shall appear before the concerned police station every fortnight for next one year to mark attendance;

(v) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan /-

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