

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5276 of 2024

Arising Out of PS. Case No.-681 Year-2023 Thana- HISUWA District- Nawada

Ashish Kumar Son of Gango Ravidas R/o vill - Bhagar, P.S. - Chauparan,
Distt. - Hazaribag (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vibhuti Ranjan Sonvadra

For the Opposite Party/s : Mr.Meena Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 07-02-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with Hisua
P.S. Case No. 681 of 2023 registered for the offences punishable
under Sections 30(a), 41 of the Bihar Prohibition and Excise
Act, 2016.

As per prosecution case, 1937.365 litre foreign
liquor was recovered from motorcycle, Sumo Victa and Scorpio
vehicles in question and petitioner along with others were
apprehended on spot.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence as alleged
in the FIR and he has falsely been implicated in this case. It is
further submitted that petitioner is neither driver nor owner of



the vehicles in question and he has no knowledge about the illicit liquor recovered from the seized vehicles. Basically no incriminating article has been recovered from conscious possession of the petitioner. Petitioner was apprehended on spot merely on basis of suspicion. Except suspicion, there is nothing on record to connect the present petitioner with the alleged occurrence. Petitioner is in custody since 07.12.2023. Petitioner bears no criminal antecedent.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of the petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released 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 Exclusive Special Excise Judge, 1st Nawada in connection with Hisua P.S. Case No. 681 of 2023, subject to the following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the



affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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