

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7239 of 2024

Arising Out of PS. Case No.-119 Year-2023 Thana- VIDYAPATINAGAR District-
Samastipur

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Ashok Kumar @ Ashok Ray Son of Ramekval Roy @ Ekbal Ray Resident of
Village-Darwa, P.s.-Tajpur (Halai O.P.), Distt.-Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mahendra Pratap, Advocate
For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 13-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Vidyapatnagar (Ghatho O.P.) P.S. Case No. 119 of 2023
instituted for the offences under Sections 272, 273 of the Indian
Penal Code and Section 30(a) of the Bihar Prohibition and
Excise Act.

3. Prosecution story, in short, is that total 153 litres of
foreign liquor was recovered from the motorcycle which was
parked in the front of the house of co-accused Vijay Kumar.

4. Learned counsel for the petitioner submitted that the
petitioner is innocent and has falsely been implicated in the
present case. Petitioner was not apprehended on the spot. The



name of the petitioner came into light on the basis of confessional statement of the co-accused, Vijay Kumar, who was apprehended on the spot. Nothing has been recovered from the conscious possession of the petitioner. Petitioner has no concern with the alleged recovery. Learned counsel further submitted that petitioner has no concern with the vehicle from which the alleged recovery has been made and the petitioner is neither the owner nor the driver of the said vehicle. There is no compliance of Section 100 of the Cr.P.C. Learned counsel further submitted that co-accused, Vijay Kumar, who was apprehended on the spot, has already been granted bail by a Coordinate Bench of this Court vide order dated 09.11.2023 passed in Cr. Misc. No. 72816 of 2023. It has been submitted on behalf of the petitioner that the petitioner is in custody since 07.10.2023 and has no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, claim based on parity and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing



bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Vidyapatinagar (Ghatho O.P.) P.S. Case No. 119 of 2023.

(Rudra Prakash Mishra, J)

Alok Verma/-

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