

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17235 of 2024

Arising Out of PS. Case No.-230 Year-2023 Thana- PAKRIDAYAL District- East Champaran

Ashok Prasad S/O- Bahadur Sah R/O- Village- Adapur Bhawnari, P.S.-
Adapur, Dist.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Adv.

For the Opposite Party/s : Mr.Md. Iftekhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

2 07-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Pakaridayal P.S. Case No. 230 of 2023 instituted for the
offences under Sections 272, 273, 34 of the Indian Penal Code
and Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, the police has recovered
altogether 290 liter illegal foreign liquor from the pick-up van
and Scorpio.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case.
He further submits that nothing incriminating has been
recovered from the conscious possession of the petitioner. The
petitioner has no concern with the seized liquor. The



petitioner is neither driver nor owner of the alleged vehicles. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present bail application. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner is languishing in judicial custody since 02.11.2023.

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

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner as also the petitioner having no criminal antecedent, let the petitioner, abovenamed, 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 Pakaridayal P.S. Case No. 230 of 2023.

(Rudra Prakash Mishra, J)

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