

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52729 of 2024

Arising Out of PS. Case No.-68 Year-2024 Thana- DOBHI District- Gaya

Ashwani Kumar Singh @ Ashwani Kumar S/o Shayam Sundar Prasad R/o
vill - Gauriya Shtahn, Kath Ka Pul, P.S - Mehandiganj, Distt. - Patna, Bihar
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhukar Mohan, Advocate
For the Opposite Party/s : Mr.Kanhiya Kishor, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 02-08-2024 1. Heard learned counsel for the petitioner as well as
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 419, 420, 120B of the IPC and 32(2), 41(1)(2), 30(a) of
the Bihar Prohibition and Excise Act in connection with Dobhi
P.S. Case No.68 of 2024.

3. The learned counsel for the petitioner submits that
the petitioner has antecedent of three cases and allegation is of
recovery of 897 liters of bear along with 7.28 liters of liquor
from the cabin of a truck.

4. It is next submitted that petitioner was not arrested
from the spot as such nothing was recovered from his conscious
possession and he came to be implicated based on the fact that
he is owner of the truck. It is next submitted that no prudent



person would use his own vehicle for committing an occurrence and thus would create evidence against himself and hence would get implicated. It is also submitted that petitioner was completely unaware that his driver would misuse the vehicle in the manner as alleged. It is next submitted that petitioner in similar manner came to be implicated in other cases also.

5. The learned APP for the State opposes the anticipatory bail application.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.15,000 /- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Excise Judge, Court No.V, Gaya in connection with Dobhi P.S. Case No.68 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. It is made clear that the learned trial court before accepting the bail bonds of the petitioner shall verify the criminal antecedent of the petitioner and in the event, if it is found that petitioner has antecedent of more than three cases, in



that event, the present anticipatory bail order shall not be given effect.

8. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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