

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80716 of 2024

Arising Out of PS. Case No.-296 Year-2024 Thana- KAUWAKOL District- Nawada

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Ashish Kumar Son of Ajay Kumar Yadav @ Ajay Yadav Resident of village-
Bandaili Khurd, PS- Kauwakol (Kawkol) District -Nawada Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Diwakar, Adv.

For the Opposite Party/s : Mr. Shaheen Begum, APP.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 09-12-2024 Heard learned counsel for the petitioner and learned A.P.P.
for the State.

2. The petitioner apprehends his arrest in a case registered
for the offences punishable under Section 30(a) of the Bihar
Prohibition and Excise (Amendment) Act, 2022.

3. Altogether 34.500 litres of country made foreign liquor
has been recovered from the seized motorcycle. Seeing the
police, petitioner along with other co-accused is said to have
fled away from the spot.

4. It is submitted by learned counsel for the petitioner that
the petitioner is quite innocent and has committed no offence.
No incriminating article has been recovered from the conscious
possession of the petitioner or from his house. He has no
concern either with the seized liquor or the place of recovery or



any trade of liquor. The allegation levelled against the petitioner is totally false and based on concocted facts. He was not apprehended on the spot. He is neither the owner nor the driver of the seized motorcycle. He has falsely been implicated in the present case merely on the basis of the false identification made by local Chowkidar who has inimical terms with the petitioner. Learned counsel further submits that petitioner has two criminal antecedents of similar nature of offence that of the present case.

5. Petitioner is agreed to deposit a sum of Rs. 15,000.00 (Rupees Fifteen Thousand) in account of Mahavir Cancer Sansthan, Patna bearing Account No. 3332964762, IFSC Code: CBIN0282779, MICR Code: 800016018, Central Bank of India, Chitkohra Branch, Patna.

6. Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending/successor Court in connection with Kawakol P.S. Case No. 296 of 2024, subject to the condition as laid down under Section 482 (2) of the B.N.S.S., subject to the further conditions that



(1) That one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) That the bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

7. The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of the aforesaid amount in Mahavir Cancer Sansthan, Patna.

(Anjani Kumar Sharan, J)

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