

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82616 of 2024

Arising Out of PS. Case No.-723 Year-2024 Thana- WAJIRGANJ District- Gaya

Ashok Prasad @ Ashok Kumar @ Ashok Yadav S/o- Kulo Yadav @
Kuleshwar Prasad Yadav Resident of village- Malikpur Post office- Khanpur
PS- Wazirganj District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ujjawal Kumar Singh, Adv.

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 11-12-2024 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 Sections 303(2), 317(5), 3(5) of the Bhartiya Nayay Sanhita, 2023 read with Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. The allegation against the petitioner is that he along with two other co-accused persons, namely, Rajesh Yadav and Raju Yadav were getting transported 210 litres desi mahua chulai liquor from Jharkhand through some co-accused persons and when the aforesaid vehicles were intercepted by the police, co-accused Pappu Chaudhary and Lav Prasad were arrested. The apprehended co-accused disclosed the name of the petitioner as



one of the co-accused persons who was getting transported the aforesaid seized liquor.

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 vehicle. There is nothing on record to indicate the complicity of the petitioner barring the confessional statements of the apprehended persons which have no evidentiary value in the eye of law. Learned counsel further submits that petitioner has no criminal antecedent as mentioned in para 3 of the bail application.

5. Petitioner is agreed to deposit a sum of Rs. 10,000.00 (Rupees Ten 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 eight 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 Wazirganj P.S. Case No. 723 of 2024, subject to the condition as laid down under Section 482(2) of the B.N.S.S., 2023, 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.

8. The learned Court below is directed to verify the criminal antecedent of the petitioner. If it is found that the petitioner has criminal antecedent in similar nature of offence,



then the bail bond of the petitioner shall not be accepted by the
learned Court below.

(Anjani Kumar Sharan, J)

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