

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8800 of 2025

Arising Out of PS. Case No.-94 Year-2019 Thana- BUDDHACOLONY District- Patna

Ashok Kumar S/o Late Umesh yadav @ Umesh Narayan Ray R/o Mohalla -
Kabir Asram, North Mandiri, P.S.- Budha Colony, Distt.- Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Kumar Rajeev, Advocate

For the Opposite Party/s : Mr.Suresh Prasad Singh,APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 07-03-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The accused-petitioner, named in the F.I.R., is apprehending his arrest in connection with Budha Colony P.S. Case No. 94 of 2019 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act. He has no criminal antecedent as stated in paragraph '3' of the application.

3. The allegation against the petitioner is to have in possession of 10.80 litres of illicit liquor and engaged in illegal trading/manufacturing of illicit liquor.

4. Learned counsel appearing on behalf of the petitioner submitted that alleged illicit liquor was recovered from the backside of the cattle house of the petitioner which is an open place accessible by general public. It is submitted that petitioner



has been falsely implicated with the present case. It is submitted that recovery of illicit liquor was not made from physical possession of this petitioner, who is a man of clean antecedent.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. In view of the aforesaid factual submissions and by taking note of the fact as recovery of illicit liquor *prima-facie* appears not made from the physical possession of this petitioner, who is a man of clean antecedent, accordingly, above-named petitioner, in the event of his arrest/surrender within a period of four weeks from today, is directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise-1, Patna/concerned court in connection with Budha Colony P.S. Case No. 94 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

Rajeev/-

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