

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14929 of 2025

Arising Out of PS. Case No.-15 Year-2020 Thana- MUFFASIL District- Aurangabad

Ashok Yadav S/o- Lal Mohan Yadav, resident of Village- Kachar, PS-
Dumariya Dist- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 19-03-2025 Heard the learned counsel for the petitioner and the
learned APP for the State.

2. The petitioner seeks regular bail in connection with
Mufassil P.S. Case No.15 of 2020, registered for the offence
punishable under Section 30(a) of the Bihar Prohibition and
Excise (Amendment) Act, 2018.

3. The case of the prosecution is that during the course of
patrolling duty, the informant and other police personnel
received information that huge quantity of liquor was being
carried on a truck whereafter the said truck was apprehended
near the Aganwari Centre and the driver of the truck, namely,
Kanta Ram, was apprehended apart from two persons, who
were sitting in the cabin of the truck, namely, Mithlesh Ram
and Arunjai Ram. Upon search, huge quantity of illicit foreign
liquor was recovered from the said truck. The arrested persons
had disclosed that talk was being held with mobile



No.7250754654 for the purpose of ascertaining as to where the illicit liquor was to be unloaded. During the course of investigation, it was found that the said mobile number belongs to the petitioner herein.

4. The learned counsel for the petitioner has submitted that the petitioner is innocent and he has been falsely implicated in the present case. The learned counsel for the petitioner has further submitted that the petitioner is an accused in only one another case, however otherwise he is having a fair antecedent. It is also submitted that neither the petitioner is the owner of the truck in question nor he is the owner of the illicit liquor recovered by the police from the said truck. It is next contended that neither illicit liquor has been recovered from the possession of the petitioner nor from his house and he has been implicated in the present case merely upon disclosure made by the arrested accused persons before the police. Lastly, it is submitted that similarly situated co-accused persons have already been granted regular bail by a co-ordinate Bench of this Court, vide orders dated 15.05.2020 and 05.06.2020, passed in Cr.Misc. No.15790 of 2020 and Cr.Misc. No.18433 of 2020, respectively.

5. *Per contra*, the learned APP for the State has vehemently opposed the prayer for bail.



6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record, this Court *prima facie* finds that the petitioner is neither the owner of the truck nor that of the illicit liquor seized from the truck, moreover neither illicit liquor has been recovered from the possession of the petitioner nor from his house, apart from the fact that his name has transpired in the present case upon disclosure made by the co-accused persons before the police, who have already been granted the privilege of bail by the Hon'ble High Court, hence I deem it fit and proper to admit the petitioner to the privilege of bail.

7. Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned District & Additional Sessions Judge-cum-Special Judge (Excise)-1st, Aurangabad in connection with Muffasil P.S. Case No.15 of 2020.

(Mohit Kumar Shah, J)

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