

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15361 of 2025**

Arising Out of PS. Case No.-272 Year-2021 Thana- AURANGABAD TOWN District-
Aurangabad

Ashok Yadav @ Ashok Kumar Yadav @ Ashok S/o- Lal Mohan Yadav
Village- Kachar, P.S.- 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. Jagdhar Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 14-05-2025 Heard learned counsel for the petitioner, learned APP
for the State and perused the case diary.

2. The petitioner seeks bail in connection with
Aurangabad Town P.S. Case No. 272 of 2021, instituted for the
offences punishable under Section 30(a) of the Bihar Prohibition
and Excise Act.

3. The prosecution case, in short, is that, 7350 liters
liquor was recovered from truck.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. No incriminating material has been recovered from
the conscious possession of the petitioner. The petitioner has got
no concern with the alleged recovery of liquor. Learned counsel
for the petitioner also submits that the petitioner is not named in
the FIR. Name of the petitioner has transpired in this case on the



basis of confessional statement made by co-accused person and the same has got no evidentiary value. The petitioner is neither owner nor driver of the vehicle in question. The petitioner is in custody since 22.01.2025 and has got one criminal antecedent. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 14.12.2021 passed in Cr. Misc. No. 64268 of 2021. There is no compliance of Section 103 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released 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 Court below/concerned Court in connection with Aurangabad Town P.S. Case No. 272 of 2021.

(Rudra Prakash Mishra, J)

Rajorshi/-

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