

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73987 of 2025

Arising Out of PS. Case No.-135 Year-2025 Thana- BARHARA District- Bhojpur

Ashwani Kumar Singh @ Ashwani Kumar Son of Shyam Sundar @ Shyam
Sunder Prasad R/o Village - Gauriya sthan, Kath Pul, Police Station -
Mehandiganj, Dist. - Patna, Bihar, 800008.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhukar Mohan, Advocate

For the Opposite Party/s : Ms. Indu Kumari Srivastava, APP

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

ORAL ORDER

2 30-10-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Barhara PS Case No. 135 of 2025 instituted for the offences
under Section/s 30(a) of the Bihar Prohibition and Excise Act
and Section 109(1) of the Bharatiya Nyaya Sanhita, 2023.

3. The prosecution case, in short, is that 991.500 liters
foreign liquor was recovered from six vehicles.

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. It is submitted



that petitioner is neither the driver nor the owner of any of the vehicles in question. Learned counsel submits that petitioner's name has surfaced in this case merely due to high-handedness of the police. The petitioner is in custody since 13.07.2025 and has got five criminal antecedent/s. There is no compliance of Section 103 of the BNSS, 2023. Other co-accused has been granted bail by a Co-ordinate Bench of this Court vide order dated 22-09-2025, passed in Cr. Misc. No. 62298 of 2025.

5. Learned A.P.P. 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, claim based on parity 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.15,000/- (Fifteen thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Barhara PS Case No. 135 of 2025, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date



fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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