

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80086 of 2025

Arising Out of PS. Case No.-81 Year-2019 Thana- BUDDHACOLONY District- Patna

Ashok Kumar, S/O Late Umesh Yadav @ Umesh Narayan Ray, R/O South
Mandiri, Chakkan Tola, Near Khata, P.S- Buddha Colony, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the State : Mr. Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 03-12-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail, apprehending his arrest, in connection with Buddha Colony P.S. Case No. 81 of 2019, dated 03.03.2019 registered for the offence punishable under Sections 272, 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act

3. As per allegation, the Police got information that one Ashok Kumar is selling illicit liquor near cow shed (*Khatal*) situated in Chhakkan Tola in South Mandiri, Patna, and when the Police reached there, they found that one person started fleeing away after throwing his bag and despite efforts of the Police he was successful in fleeing away taking advantage of darkness of night. On search, 8.250 litres of illicit liquor was



recovered from the bag.

4. Learned counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that the whole case against the petitioner is based only on suspicion. The Police has not stated that Ashok Kumar (petitioner) had started fleeing away after throwing the bag seeing the Police. Hence, there is no *prima facie* case made out against the petitioner.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the bail petition that the petitioner has been made accused in another case in which he is on bail.

7. However, learned APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering that there is no *prima facie* material against the petitioner, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs.



10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned concerned court below in connection with Buddha Colony P.S. Case No. 81 of 2019 subject to the conditions as laid down under Section 482 (2) of the B.N.S.S 2023, and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent other than the disclosed one, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J)

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