

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 43038 of 2016

Arising Out of PS.Case No. -145 Year- 2016 Thana -THAKRAHA District-
WESTCHAMPARAN(BETTIAH)

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Nitish Tiwari, son of Tarkeshwar Tiwary, resident of village Thakaraha,
P.S. Thakaraha, District – West Champaran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Milind Kumar Mishra

For the Opposite Party/s : Mr. Lakshmi Kant Sharma

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3. 20-10-2016 Heard Sri Milind Kumar Mishra, learned counsel for
the petitioner and Sri Lakshmi Kant Sharma, learned Addl. Public
Prosecutor.

The sole petitioner, who is in custody since
26-08-2016, has prayed for grant of bail in Thakaraha P.S. Case
No. 145 of 2016 registered for offence under Section 47 of the
Bihar Excise Amendment Act, 2016.

It was submitted by learned counsel for the petitioner
that petitioner has falsely been implicated in the present case. He
submits that from a hut, which belong to other person, about 3.8
litres of country-made liquor was recovered and it was shown that
petitioner started to fleeing away from there and he was arrested.
By way of referring to statement made in paragraph – 3 of the
petition, learned counsel for the petitioner submits that petitioner

is having clean antecedent.

Sri Sharma, learned Addl. Public Prosecutor has vehemently opposed the prayer for grant of bail, on the plea that offence alleged is serious in nature.

However, keeping in view the fact that petitioner is in custody since 26-08-2016, having clean antecedent, there is no reason to further detain the petitioner.

Let the petitioner namely Nitish Tiwari be enlarged on bail on furnishing bail-bond of **Rs. 10,000/-** (ten thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate, Bagaha, West Champaran in connection with Thakaraha P.S. Case No. 145 of 2016.

(Rakesh Kumar, J.)

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