

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41014 of 2017

Arising Out of PS.Case No. -402 Year- 2017 Thana -BARACHATTI District- GAYA

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1. Dilip Kumar Tiwari @ Dileep Kr. Tiwari, Son of Late Ram Bachan Tiwari, Resident of Village- Manik Parasi, Police Station- Karakat, District- Rohtas at Sasaram.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. K.N. Choubey, Sr. Advocate
Mr. Ashok Kumar Garg

For the Opposite Party/s : Smt. Asha Kumari

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 06-10-2017 Heard learned counsel for the petitioner and
learned APP for the State.

Petitioner is languishing in judicial custody since 11.07.2017 in connection with Barachatti P.S. Case No. 402/2017 for offences punishable under Sections 30(a), 38, 47 of the Bihar Excise Act and 25(1-b) A, 26 of the Arms Act.

The prosecution case, as lodged by the police personnel, is that during course of vehicle checking two Indica cars were intercepted and three persons including the petitioner were apprehended while one accused person managed to flee away from the car in which the petitioner was travelling. From the car of the petitioner 36 litres of



foreign liquor, 80 litres of country-made liquor and one live cartridge was recovered. From another car where two persons were apprehended 112 litres of foreign liquor was recovered. Accordingly, a seizure-list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and two co-accused, who were apprehended by the police in another car, have been granted privilege of bail by coordinate Benches of this Court in Cr. Misc. No. 46323 of 2017 on 21.09.2017 and Cr. Misc. No. 45235 of 2017 on 15.09.2017.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, 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 Special Judge, Excise, Gaya, in connection with Barachatti P.S. Case No. 402/2017, subject to the condition that one of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned court and if the petitioner indulges in an offence of similar nature in future, the prosecution will be at



liberty to move the learned court below for cancellation of his
bail bonds.

(Nilu Agrawal, J)

Rajesh/-

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