

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5272 of 2018

Arising Out of PS. Case No.-182 Year-2017 Thana- THAWE District- Gopalganj

Rishi Tiwari Son of Arjun Sharma @ Arjun Tiwari Resident of Village-
Banjari, P.S.+District-Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Pandey No-5

For the Opposite Party/s : Mr. SUNIL KUMAR PANDEY

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 21-02-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case instituted for the offences under Sections 30(a), 35, 38 of the Bihar Prohibition and Excise Act, 2016.

Prosecution case, in short, is that 130 liters wine is recovered.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 07.12.2017 and has got no criminal antecedent. Charge-sheet/prosecution report has been submitted in this case. There is no allegation of tampering of witnesses alleged against the petitioner. The name of the petitioner has transpired on the basis of disclosure made by the co-accused namely Varun Singh. Except for this, there is no



other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 130 liters wine is recovered from the car in question. The car in question does not belong to the petitioner. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner had no knowledge regarding the alleged incident. There is no compliance of Section 100 Cr.P.C.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R/complaint case.

Considering the aforesaid facts and circumstances, it is directed that the petitioner, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-II-cum-Special Judge, Gopalganj in connection with Thawe P.S. Case No. 182 of 2017 (G.R. No. 4678 of 2017).

(Sudhir Singh, J)

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