

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56139 of 2018

Arising Out of PS.Case No. -398 Year- 2018 Thana -AHİYAPUR District- MUZAFFARPUR

- =====
1. Shyam Narain Tiwari @ S.N. Tiwari, S/o Dewata Deen Tiwari, R/o Mohalla- C-187, Flat No. f-4 Shalimar Garden, Extn-2, Sahibabad, P.S.- Gajiabad, District- Gajiabad (U.P.).

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rina Sinha, Advocate

For the Opposite Party/s : Mr. Asharaf Ansari, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

- 2 27-09-2018 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 272/273/409/34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Submission is that the FIR would disclose that the recovery of liquor was from the referred vehicle, which was not of the petitioner. Name of the petitioner surfaced on the basis of some paper of consignment found in the seized truck and the consignment showed that only cosmetics were consigned which were of the company of the petitioner.

Considering the fact that no offence under



the provisions of Excise Act is prima facie made out against the petitioner and the petitioner has stated on oath that he has got no criminal antecedent, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court-below where the case is pending in connection with Ahiyapur Police Station Case No. 398 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the petitioner shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Kumar, J)

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