

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16412 of 2019

Arising Out of P.S. Case No.-190 Year-2018 Thana- CHHATAUNI District- East Champaran

VIKRAM TIWARY, aged about 36 years, Male, Son of Late Pintu Tiwary
Resident of Village- Madhubani Ghat, Police Station- Muffasil, District- East
Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Priyesh Kumar

For the Opposite Party/s : Mr.Humayou Ahmad Khan

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 28-03-2019 Heard the learned counsel for the petitioner and
learned counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since
26.12.2018 in connection with Chhatauni P.S.Case No.190 of
2018 for the offence alleged under Section 30(a) of the Bihar
Prohibition and Excise Act, 2016.

The prosecution case as lodged by the police
personnel is that on secret information that near Payal Picture
Hall, a Bolero car is parked which contains illicit liquor, the
police conducted a raid. One person managed to flee away from
the Bolero vehicle who was identified as petitioner by the local
people. On search from the vehicle 105 liters of Nepali Soufi
wine was recovered. Accordingly, a seizure list was prepared.



It has been submitted by the learned counsel for the petitioner that he is innocent, raid was conducted at 4 A.M. in the morning and petitioner was not apprehended on the spot. Being a local of the area, he has been named by the local people out of enmity and nothing has been recovered from his conscious possession. Petitioner undertakes to cooperate in the investigation and not to tamper with the prosecution evidence.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not bear a clean antecedent and one more case for similar offence is pending against him.

Considering the nature of allegations, materials on record as well as the fact that the petitioner was not caught red handed, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Chhatauni P.S.Case No.190 of 2018 to the satisfaction of learned Additional Sessions Judge-cum-Special Judge Excise, East Champaran at Motihari, subject to the following conditions:-

(i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file



an affidavit stating his relationship with the petitioner.

(ii) 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)

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