

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29771 of 2019

Arising Out of PS. Case No.-23 Year-2019 Thana- JAMOBABAZAR District- Siwan

DINESH TIWARI Son of Late Ramaashish Tiwari Resident of Village -
Tiwari Tola, Sikatiya, P.S.- Jamo Bazar, Dist.- Siwan.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Pramod Kumar Singh, Advocate
For the Opposite Party : Ms.Veena Rani Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 22-05-2019 Heard learned counsel for the petitioner and
learned counsel for the State.

The petitioner seeks bail in connection with Jamo
Bazar P. S. Case No. 23 of 2019 registered under Sections 272/
273/308/34 of the Indian Penal Code.

Learned counsel for the petitioner submitted that
recovery of illicit liquor was neither from personal possession
nor from the house of the petitioner. The seizure-list would
suggest that seizure was made in village Sikatiya from Baswari
situated west to the water tank. The petitioner has got no
concern either with the place from where the alleged seizure
was made or with the articles so seized by the police. He
contended that the seizure-list itself becomes a suspicious
document in view of the fact that though it is said that seizure



list was prepared at the place of occurrence itself, the same contains P.S. Case Number. From the FIR, it would appear that seizure-list was prepared at 5.20 p.m. whereas the FIR was registered at 8.30 p.m. on 06.02.2019. If the FIR was registered at 8.30 p.m. as to how P.S. Case Number could have been given in the seizure-list, which was prepared three hours ago at 5.20 p.m..

Learned counsel for the State has opposed the prayer for grant of bail to the petitioner.

Considering the submissions made above, the petitioner is directed to be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand only) with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise)-cum-Additional Sessions Judge-II, Siwan in connection with Jamo Bazar P. S. Case No. 23 of 2019, subject to the following conditions:-

- (a) that the petitioner shall attend court in accordance with the conditions of the bond executed,
- (b) that the petitioner shall not commit an offence similar to the offence of the present case,



and

(c) that the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

(Ashwani Kumar Singh, J)

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