

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 32736 of 2019

Arising Out of PS. Case No.-117 Year-2018 Thana- GOPALPUR District- Gopalganj

RAJESH TIWARI Son of Late Lalan Tiwari Resident of Village - Tiwari
Khareya, P.S.-Gopalgpur, District- Gopalganj ... Petitioner
Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Shyama Kant Singh, Advocate
For the Opposite Party : Mr. Rita Verma, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 24-07-2019 Heard learned counsel for the petitioner as well as
learned counsel for the State.

Petitioner apprehends arrest in a case registered for the offences punishable under Sections 272 and 273 of the Indian Penal Code and Section 30(A) of the Bihar Prohibition and Excise Act, 2016.

Prosecution case in short is that 216 liters of foreign liquor has been recovered from a vehicle which was driven by co-accused Sanjit Tiwari while the petitioner was sitting in the said vehicle. Both of them managed to escape when police anyhow stopped and searched the vehicle. Petitioner and the said co-accused were identified and named by Chaukidar and other villagers.

Learned counsel for the petitioner submits that the petitioner has no criminal antecedent. He is neither the owner of



the vehicle or nor the liquor has been recovered from his conscious possession. Provision of section 100 of the Cr.P.C. has not been followed in course of search and seizure in question. Similarly situated co-accused Sanjit Tiwari has already been allowed bail by this Court vide order dated 18.9.2018, passed in Cr.Mis.No. 58302 of 2018.

Considering the facts of the case, let the petitioner, above named, in the event of his arrest/surrender before the Court below within a period of six weeks from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge II cum Special Judge, Excise, Gopalganj in Gopalpur Police Station Case No. 117 of 2018, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the petitioner shall fully co-operate with the investigation and trial of the case, failing which the Court below shall be at liberty to cancel the bail bond of the petitioner.

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(Prabhat Kumar Singh, J)

