

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42595 of 2019

Arising Out of PS. Case No.-30 Year-2019 Thana- TARARI District- Bhojpur

Krishna Bihari Tiwary, Son of Late Awadhesh Tiwary, Resident of Village -
Karath, P.S.- Tarari, District - Bhojpur, Ara.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dharmendra Kumar Singh, Advocate
For the Opposite Party/s : Mr.Md. Anbzarul Haque Sahara, APP

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 16-09-2019 Heard learned counsel for the petitioner and the
learned counsel appearing on behalf of the State.

The petitioner is in custody since 09.03.2019 in connection with Tarari P.S. Case No.30 of 2019 registered for the offence under Sections 37(B)(C) of the Bihar Prohibition and Excise Act and Section 25(1-b)a/26 of the Arms Act.

Learned counsel for the petitioner submits that though the alleged recoveries have been saddled on the shoulders of the petitioner and there is no independent witness and only because the petitioner has got some criminal antecedents, the petitioner has been falsely implicated in connection with the present case. It is further submitted that the alleged recoveries were not from his conscious possession, but he was forcibly made to sign on the seizure list. It is further



submitted that no independent witness has been named in the seizure list and the petitioner has been languishing in jail for more than six months.

Diary in the present case was called for, which has since been received.

Learned counsel for the State after perusal of the case diary submits that the allegation as stated in the F.I.R. stands supported by the case diary. But it appears that apart from the two Choukidars who had taken him in custody, there is no independent witness and the villagers have not stated anything either.

Having taken into consideration the aforementioned facts and circumstances of the case, let the petitioner, above named, be released on bail on his furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned 4th Additional Sessions Judge-cum-Special Judge, Excise Act, Bhojpur, Ara, in connection with Tarari P.S. Case No.30 of 2019, subject to the following conditions:

- (1) One of the bailors will be his own blood relative, preferably, mother, son, brother, sister and/or his wife.
- (2) The petitioner shall not indulge himself in any



similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in court on each and every date during trial and in the event of his failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjana Mishra, J)

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