

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54781 of 2019

Arising Out of PS. Case No.-140 Year-2019 Thana- SAHPUR District- Bhojpur

1. AMIT TIWARY, aged about 26 years, Male, Son of Late Nagendra Tiwary, Resident of Village-Barishwan, Police Station-Shahpur, District-Bhojpur
2. Sohit Tiwary, aged about 25 years, Male, Son of Bindeshwari Tiwary, Resident of Village-Barishwan, Police Station-Shahpur, District-Bhojpur
3. Sonu Tiwary, aged about 25 years, Male, Son of Late Jai Nath Tiwary, Resident of Village-Barishwan, Police Station-Shahpur, District-Bhojpur

... Petitioners

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioners : Mr. Ashok Kumar Singh, Adv.

For the Opposite Party : Mr. Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 30-08-2019 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the state.

The petitioners seek pre-arrest bail in connection with Excise Case No. 1163 of 2019 arising out of Shahpur P.S. Case No. 140 of 2019 for the offence alleged under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

In course of patrolling duty, informant received information about concealing the illicit liquor in the semi constructed bath room of Dharmendra Tiwari of village Barisawan and saw that 5-6 persons present in the orchard, seeing the police party they succeeded to flee away. When informant reached in the sahan of Dharmendra Tiwari and searched semi constructed bath room, 154 bottles, each containing 180 ml of Indian made foreign liquor, were found. On query, the villagers disclosed the names of seven persons, including the petitioners, indulged in selling the liquor.



The submission of the learned counsel for the petitioners is that petitioners were not apprehended on the spot rather their names have come in the knowledge of the informant secretly, from the villagers, indulged in selling the liquor. Petitioners have no criminal antecedent.

Learned Additional Public Prosecutor for the State opposes the prayer for pre-arrest bail.

Having regard to the facts and circumstances of the case, let the petitioners, above named, in the event of surrender/arrest, within a period of four weeks from today, in connection with Excise Case No. 1163 of 2019 arising out of Shahpur P.S. Case No. 140 of 2019 shall be released on pre-arrest bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge IV-cum-Special Judge, Excise, Bhojpur at Ara, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

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