

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4534 of 2020

Arising Out of PS. Case No.-198 Year-2019 Thana- JAMOBABAZAR District- Siwan

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DINESH TIWARI S/o Late Ramashish Tiwari Resident of Village- Sikatiya,
P.S.- Jamo Bazar, Distt- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh, Adv.

For the Opposite Party/s : Mr. Nand Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 29-02-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 272, 273, 308, 34 of the I.P.C. and Section 30(a) of the Bihar Prohibition and Excise Act, 2016, as amended by Amendment Act 8 of 2018.

The prosecution case as per the written report of Suraj Prasad, Sub Inspector of Police, S.H.O., Jamo Bazar Police Station is to the effect that on 15.11.2019 at about 5.00 P.M., in course of patrolling, the informant received a secret



information that the petitioner has stored illicit liquor for the purpose of trade, consequently a raid was laid, leading to recovery of total 180.120 litres of Indian Made Foreign liquor from the land of one Uday Bhan Tiwary.

It is submitted by learned counsel for the petitioner that admittedly, the said recovery has been made from an open area, hence, it cannot be treated to be made from the conscious physical possession of the petitioner, but only on the basis of suspicion, the petitioner has been framed in the present case. It is further submitted that though the petitioner is accused in one other case apart from the present case, but in that case he is on bail.

Learned APP for the State submits that the informant received definite information that the seized liquor has been stored by this petitioner.

Considering the recovery of said liquor from an open area and statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like



amount each to the satisfaction of the learned ADJ-II-cum-Special Judge (Excise), Siwan, in connection with Jamo Bazar P.S. Case No.198 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Ashwini/-

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