

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.9631 of 2020**

Arising Out of PS. Case No.-1029 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- East Champaran

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Chandrabhushan Tiwary @ Jhunna Tiwary S/o Rajaram Tiwary R/o
Vishunpur Matiyawa, P.S.- Paharpur, Distt- East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Patanjali Rishi, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 11-06-2020 This application has been placed for consideration by

the order of the Hon'ble the Chief Justice through virtual court

proceeding.

Heard learned counsel for the petitioner and learned

APP for the State.

The petitioner in the present case is seeking anticipatory

bail in connection with Excise Case No. 1029 of 2019 registered

for the offence punishable under Section 30(a) of Bihar

Prohibition & Excise Act.

Learned counsel for the petitioner submits that the

hutment from where the alleged illicit liquor is said to have been

recovered does not belong to the petitioner and in that regard

specific statement has been made in paragraph '7' of this

application. It is further submitted that the petitioner has no



criminal antecedent and there is no *prima-facie* material to connect the petitioner with the present case.

Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

Considering the facts and circumstances of the case wherein it is alleged that the illicit liquor has been recovered from a hutment but in paragraph '7' of the application the petitioner has specifically stated that he has no concern with the said hutment and further that he has no criminal antecedent, there being no other material to connect him with the present case, let the petitioner above named in the event of his arrest or surrender within a period of four weeks from today in connection with Excise Case No. 1029 of 2019 be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge IX-cum-Special Judge, Excise, East Champaran at Motihari, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;



(ii) a condition that the person 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;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

