

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35148 of 2020

Arising Out of PS. Case No.-130 Year-2020 Thana- SARAI District- Vaishali

AMARJEET TIWARI, Son of Late Mahendra Tiwari, Resident of Village -
Boaria, P.S.- Sarai, District – Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Chandra Gandhi
For the Opposite Party/s : Mr.Bharat Lal

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 22-12-2020 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceedings.

Since the physical court proceeding is non-functional,
due to present pandemic, COVID-19, the matter is listed with
defects.

Learned counsel for the petitioner undertakes to
remove the defects as pointed out by the office within three
weeks of normal functioning of the court, failing which the
office is directed to place the matter before the Bench.

The petitioner seeks bail in a case registered for the
offence punishable under Section 30 (a) of the Bihar Prohibition
and Excise Act, 2018 and 26 (1-b)a, 26, 35 of the Arms Act.

Prosecution case in brief is that on 11.06.2020 in
course of patrolling duty, the informant received a tip-off that



one Amarjeet Tiwari (petitioner) has kept consignment of illegal country made liquor in the concealed manner in community hall of village-Boaria and he is carrying a pistol with himself as well. It has further been alleged that raid was conducted and one person was arrested and during fleeing away the arrested person thrown away a pistol which was later on received by the police and the butt of the said pistol was broken. Informant has further alleged that on search of Samudayik Bhawan 40 liters country made liquor was recovered from the room of the said Bhawan.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case. There is no recovery from the conscious possession of the petitioner. There is recovery of total 40 liters of country made liquor from the Samudayik Bhawan. The petitioner is in jail custody since 12.06.2020. The petitioner has got no criminal antecedent which is mentioned in para 3 of the bail petition.

Learned APP for the State opposed the bail petition.

Petitioner is agreed to deposit a sum of Rs. 5,000/- (Rupees Five Thousand) in the PM Cares Fund, bearing Account No.2121PM20202, IFSC Code: SBIN 0000691, SWIFT Code: SBININBB104, State Bank of India, New Delhi Main Branch, UPI ID : pmcares@sbi.



Considering the aforesaid facts and circumstances of the case, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge II cum Excise Court, Vaishali at Hajipur in connection with Sarai P. S. Case No. 130/2020.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of Rs. 5,000/- (Rupees Five Thousand) in the PM Cares fund.

(Anjani Kumar Sharan, J)

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