

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86287 of 2019

Arising Out of PS. Case No.-523 Year-2019 Thana- GOPALGANJ TOWN District-
Gopalganj

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ROHIT KUMAR TIWARI Son of Deonath Tiwari Resident of Village-
Dhodhwalia, P.S.- Kuchaikote, Distt- Gopalganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Pandey No.5, Adv.
For the Opposite Party/s : Mr.Akbar Ali, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 17-01-2020 Heard learned counsel for the petitioner and the learned
APP for the State.

The petitioner seeks bail in ***Gopalganj Town P. S. Case No. 523 of 2019, G.R. No. 1250 of 2019***, instituted for the offence under Section(s) 30(a) and 41(i) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The recovery of 120 liters of beer from a vehicle intercepted by the police has formed the basis of the instant prosecution. Three persons are alleged to have been apprehended from the Car who have disclosed that the petitioner was, in fact, passing on the liquor in-question. The name of the petitioner along with four others have been taken as one of the associates. In such circumstances, the petitioner has been taken



into custody.

It is submitted by the petitioner's counsel that petitioner was not arrested from the alleged place of recovery nor there is any recovery of liquor from the petitioner. Having no criminal antecedents, he is in custody in connection with the instant case since 15.10.2019.

The learned APP for the State opposed the prayer for bail .

Considering the aforesaid, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of the **Additional Sessions Judge -II-cum- Special Judge (Excise) Act Gopalganj**, in connection with **Gopalganj Town P. S. Case No. 523 of 2019, G.R. No. 1250 of 2019**, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail



bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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