

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.18028 of 2021**

Arising Out of PS. Case No.-7 Year-2021 Thana- BAHADURGANJ District- Kishanganj

AAKASH TIWARI SON OF VINAY KUMAR TIWARI R/O SAKIN -
GURSAIGANJ, P.S.- GURSAIGANJ, DIST.- KANNOJ (U.P.)

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Raj Kumar,Advocate

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

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

2 14-07-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Shantanu Kumar, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Special Case No. 15 of 2021 arising out of Bahadurganj P.S. Case No. 7 of 2021 registered for the offences punishable under Sections 30(A) 35, 36, 41 of Bihar Prohibition and Excise Act, 2016 and Section 272 and 273 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per the prosecution story, total 1757.16 litres of foreign liquor were recovered from a truck which was driven by this petitioner.

Learned counsel submits that the petitioner is innocent and has falsely been implicated in the present case. It is further submitted that the petitioner is neither driver nor the owner of the truck from



which illicit liquor were recovered. The petitioner is in custody since 08.01.2021 having no criminal antecedent.

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

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that in the First Information Report the name of the petitioner is not mentioned however while preparing the seizure list he has been shown as driver of one of the truck from which 17 liters of illicit liquor allegedly recovered, the petitioner however denied that he is either owner or driver of the truck, he has no criminal antecedent, has remained in jail in connection with the present case for six months approximately, in the meantime, co-accused have been granted bail by learned coordinate Bench of this Court in Cr. Misc. No. 23996 of 2021, Considering no criminal antecedent of the petitioner and he has remained in custody for six months, this Court directs release of the petitioner release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge II-cum-Special Judge, Excise, Kishanganj in connection with Bahadurganj P.S. Case No. 7 of 2021, subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the



conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which is suspected, and

(c) that such persons shall not directly or indirectly make and 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 or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

At least one of the bailors should be a local person residing within jurisdiction of Court with sufficient immovable means.

The 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'.

