

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.22725 of 2021**

Arising Out of PS. Case No.-265 Year-2019 Thana- CHHATAUNI District- East Champaran

VIKRAM TIWARI S/o Late Pintu Tiwari Resident of Madhubani Ghat, P.S.-
Muffasil, District- East Champaran, Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar, Adv.

For the Opposite Party/s : Mr. Shailendra Kumar No.1, APP

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

2 31-08-2021 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with Chhautani P.S. Case No.265/2019 registered for

the offences punishable under Sections 270 and 272/34 of the

Indian Penal Code and Section 30(A) of the Bihar Prohibition

and Excise Act, 2016.

As per the prosecution story, on 26.06.2019 the

informant on secret information searched one Alto car standing

in New Colony Mohalla and recovered 520 pieces of Nepali

Kashturi wine each containing 300 ml, total 156 liters of illicit liquor.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case due to village politics. Learned counsel submits that the car from which the alleged recovery of illicit liquor has been made does not belong to the petitioner and nothing has been recovered from the conscious possession of the petitioner. It is submitted that the petitioner is in custody in connection with this case since 05.01.2021.

Learned counsel submits that the petitioner is accused in two more cases of similar nature as stated in paragraph '3' of the application and in both the cases he is said to be on bail.

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

Having regard to the facts and circumstances of the case wherein 156 liters of illicit liquor has been recovered from a car which does not belong to the petitioner, petitioner is in custody in connection with this case since 05.01.2021, in the two cases of similar nature stated in paragraph '3' he is said to be on bail, investigation against him is complete but the trial is not likely to take place in near future, this Court directs that the

petitioner above named be released on bail, on completion of **nine months** of custody, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise, East Champaran, Motihari in connection with Chhautani P.S. Case No.265/2019, subject to the conditions under Section 437(3) Cr.P.C.

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.

(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'.