

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.29336 of 2021**

Arising Out of PS. Case No.-277 Year-2019 Thana- KARJA District- Muzaffarpur

SANTOSH TIWARY @ SANTOSH KUMAR TIWARI SON OF LATE  
KAMALDEO TIWARY R/O VILLAGE- NARHAR SARAI, P.S.- KARJA,  
DISTRICT- MUZAFFARPUR ... .. Petitioner/s

Versus

THE STATE OF BIHAR ... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Bela Singh, Adv.

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

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

3      10-12-2021                      The instant case has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and Sri Ashok Kumar, the learned APP for the State.

The petitioner seeks regular bail in connection with Karja PS case no. 277 of 2019 instituted for the offences punishable under Sections 272, 273 of Indian Penal Code and 30(a), 38 of Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of illicit liquor from the cow shed situated near the house of the petitioner.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is languishing in custody since 28.01.2021. The learned counsel for the petitioner has further



submitted that the cow shed is situated in an open place, hence the possibility of the illicit liquor being planted by someone else, cannot be ruled out.

*Per contra*, the learned A.P.P. for the State has vehemently opposed the prayer for bail and has submitted, by referring to the case diary, that ample materials are available on record to suggest the complicity of the petitioner in the alleged crime.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the period of incarceration, I deem it fit and proper to admit the petitioner to the privilege of bail. Accordingly, the abovenamed petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of Special Judge, Excise Act, Muzaffarpur in connection with Karja PS case no. 277 of 2019.

**(Mohit Kumar Shah, J)**

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