

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35703 of 2021

Arising Out of PS. Case No.-378 Year-2019 Thana- BRAHMPUR District- Buxar

MANAN TIWARI Son of Late Hari Narayan Tiwari Resident of Village -
Bishupur, P.S.- Brahmpur (Nainjore), District - Buxar. ... Petitioner/s

Versus

The State of Bihar

... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hari Shankar Roy, Advocate

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 14-09-2021 Heard learned counsel for the petitioner and the State.

The petitioner prays for grant of regular bail in a case registered for the offence punishable under Sections 30(a) of the Bihar Prohibition and Excise Act and Section 420/414/ 120(B) / 34 of the Indian Penal Code.

As per the prosecution case, 321.620 litres of foreign liquor has been recovered from the Nainizor old hospital and 864 liter of country made liquor has been recovered from the vehicle and co-accused Kanhaiya Yadav and co-accused Munna Yadav were arrested on the spot on whose confession, this petitioner has been made accused in this case.

It is submitted on behalf of the petitioner that nothing has been recovered from the possession of the petitioner. It is further submitted that petitioner is neither the driver nor the owner of the vehicle in question and has nothing to do with the alleged recovery. Petitioner is in custody since 16.1.2021. Several similarly situated co-accused have already been allowed



bail by co-ordinate bench of this Court vide orders passed in Cr.Misc.No. 69322/2019, 14082/2020. tion.

Learned counsel appearing for the State opposes the prayer for bail.

Considering the facts and circumstances of the case, let the petitioner, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge cum Special Judge, Excise, Buxar, in connection with Brahmpur (Nainijor) P.S. Case No. 378/2019, subject to the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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