

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40086 of 2021

Arising Out of PS. Case No.-318 Year-2020 Thana- BRAHMPUR District- Buxar

SHASHIKANT TIWARI S/o Late Dadan Tiwari R/o village- Barki Nainijor,
P.S.- Brahmpur (Krishna Brahm), District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 14-12-2021 Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks regular bail in connection with
Brahampur (Nainijor) P.S. Case No. 318 of 2020, registered
for the offence punishable under Sections 272, 273 of the
Indian Penal Code and Section 30(a) of the Bihar Prohibition
and Excise Act, 2016.

The allegation is regarding recovery of 44 liters of illicit
liquor from the house of the petitioner and 2.160 liters of illicit
liquor from a motorcycle standing in the house of the
petitioner.

The learned counsel for the petitioner has submitted that
the petitioner is innocent and he is languishing in custody
since 25.1.2021. The learned counsel for the petitioner has



further submitted that the petitioner has been falsely implicated in the present case on account of his bad antecedent, nonetheless, the petitioner is ready and willing to abide by such conditions as may be deemed fit and proper to be imposed by the court for the purposes of grant of bail.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the period of incarceration of the petitioner herein, I deem it fit and proper to direct for release of the petitioner on regular bail, on certain conditions.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J. II cum Special Judge, Excise Act, Buxar in connection with Brahampur (Nainijor) P.S. Case No. 318 of 2020.

It is further directed that the petitioner would mark his attendance, immediately upon being released from custody,



before the S.H.O. of the concerned police station at 10 A.M. on each and every Monday of the week and in the event of his failure on two consecutive occasions to mark his attendance, the present privilege of bail being extended to the petitioner, shall stand revoked automatically and the petitioner shall be taken into custody forthwith.

(Mohit Kumar Shah, J)

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