

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42748 of 2021

Arising Out of PS. Case No.-282 Year-2019 Thana- KARJA District- Muzaffarpur

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Santosh Tiwary @ Santosh Kumar Tiwari, S/O Late Kamaldeo Tiwary, R/O
Village-Narhar Sarai, P.S-Karja, District-Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 29-10-2021 Heard learned counsel for the petitioner and learned
APP for the State.

Learned counsel for the petitioner undertakes to
remove the defects as pointed out by the office within four
weeks of normal functioning of the court, failing which the
office is directed to place the matter before the Bench.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 272, 273 of the Indian Penal
Code and Sections 30 (a), 38 of the Bihar Prohibition and
Excise (Amendment) Act, 2018.

It is submitted by learned counsel for the petitioner
that the petitioner is innocent and has falsely been implicated in
this case. There is no recovery from the conscious possession of
the petitioner, rather there is recovery of total 67.500 liters of



foreign liquor from the house of co-accused, namely Nagendra Tiwari. The petitioner is languishing in custody since 03.02.2021. The petitioner has got two criminal antecedents in same offence, which is mentioned in para 3 of the bail application.

Learned APP for the State vehemently opposed the prayer for bail petition.

Petitioner is agreed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand) in the Chief Minister Relief Fund, Bihar, bearing Account No.2065104000002257, IFSC IBKL0002065, IDBI Bank, Kidwaipuri Branch, Patna.

Considering the aforesaid facts and circumstances of the case, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/ successor Court in connection with Karja P. S. Case No.282/2019; subject to the following conditions:

(i) that one of the bailors will be a close relative of the petitioner, who will be given an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the



address of the petitioner.

(ii) that the bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of Rs.10,000/- (Rupees Ten Thousand) in the Chief Minister Relief fund.

(Anjani Kumar Sharan, J)

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