

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31406 of 2020

Arising Out of PS. Case No.-230 Year-2020 Thana- AGAMKUAN District- Patna

RAJESH TIWARI Son of Srinath Tiwari Resident of Village - 3 Dilkhush Street, Opposite Circus Avenue S.O., Circus Avenue, Kolkata, West Bengal (Owner of Tankarlorry bearing No. NL01L0911)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madan Mohan Prasad, Adv.
For the Opposite Party/s : Mrs. Asha Devi, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 27-01-2021 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Section 30(a), 37(b) (c) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. He submits that there is no recovery from the conscious possession of the petitioner rather 720ml of illegal liquor is said to have been recovered from the Tanker lorry. He submits that the petitioner is the owner of the said vehicle. He submits that name of the petitioner has come in this case on the basis of confessional statement of co-accused. He further submits that petitioner has no criminal antecedent as stated in para-3 of the



bail application.

Petitioner is agreed to deposit a sum of Rs. 1000.00 (Rupees One Thousand) in the PM Cares Fund, bearing Account No. 2121PM20202, IFSC Code: SBIN 0000691, SWIFT Code: SBININBB104, State Bank of India, New Delhi Main Branch, UPI ID: pmcares@sbi.

In the facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.20,000/- (rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Act, Patna in connection with Agamkuan Police Station Case No. 230 of 2020 vide Special Case No. 2856 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of Rs.1000.00 (Rupees One Thousand) in the PM Cares Fund.

(Anjani Kumar Sharan, J)

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