

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.48498 of 2021**

Arising Out of PS. Case No.-369 Year-2021 Thana- BHABHUA District- Kaimur (Bhabua)

KRISHNA TIWARI @ KRISHNA TIWARY Son of Late Shiv Pujan Tiwari  
Resident of Village - Mokari, Police Station - Bhabua, District - Kaimur  
(Bhabua).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Kumar Sunil, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

3      17-12-2021                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State through virtual mode.

Let the defects, as pointed out by the office, be  
removed within four weeks of start of normal functioning of the  
physical court.

Petitioner seeks bail in connection with Bhabua P.S.  
Case No. 369 of 2021 registered for the offences punishable  
under Section 30(a) (c) of the Bihar Prohibition and Excise  
(Amendment) Act, 2018.

There is recovery of 20 litres of illicit Mahua liquor,  
50. kg. of Jawa Mahua and one apparatus which had been used  
in preparing the said liquor.

Learned counsel for the petitioner submits that



petitioner has clean antecedent and has committed no offence and he has falsely been implicated in the present case. No incriminating article has been recovered from conscious possession of the petitioner. It is further submitted that merely on the basis of suspicion the petitioner has been implicated in the present case. Petitioner is in custody since 22.07.2021.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 2<sup>nd</sup> Additional Sessions Judge cum Special Judge (Excise), Kaimur at Bhabua in connection with Bhabua P.S. Case No. 369 of 2021, 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 absence on two consecutive dates without sufficient reason, his 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.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

**(Rajesh Kumar Verma, J)**

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