

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35780 of 2020

Arising Out of PS. Case No.-214 Year-2020 Thana- CHHATAUNI District- East Champaran

SUNIL TIWARI @ SUNIL KUMAR TIWARI son of Rama Tiwari Resident
of Village- Noneya Tiwari Tola, P.S.- Paharpur, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prateek Tandon

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 19-01-2021 Heard the learned counsel for the petitioner and Shri
Ashok Kumar, the learned APP for the State.

The petitioner seeks regular bail in connection with
Chhatauni P.S. Case No. 214 of 2020 for the offence punishable
under Sections 270, 272/34 of the Indian Penal Code and
section 39(a), 41(1) of Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of huge quantity
of illicit liquor from a truck.

The learned counsel for the petitioner has submitted
that the petitioner is innocent, has been falsely implicated in the
present case and is languishing in custody since 02.09.2020. The
learned counsel for the petitioner, by referring to paragraphs no.
6 and 7 of the present petition, has submitted that the petitioner
is neither driver nor khalasi nor the owner of the truck in



question and he has also not been named in the FIR. It is further submitted that the petitioner was languishing in custody in connection with Paharpur P.S. Case No. 49 of 2020, whereafter he has been remanded in the present case, after his name came to the fore upon confessional statement having been made by the co-accused person namely Jamshed Nirala.

Per contra, the learned A.P.P. appearing 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 parties and taking into account the fact that the petitioner is neither the driver of the truck, nor khalasi nor owner of the truck and he is stated to have been roped in the present case merely on suspicion, upon confessional statement having been made by Jamshed Nirala as also he is a non-FIR named accused person, I deem it fit and proper to direct for release on the petitioner on regular bail.

Accordingly, the petitioner, above-named is directed to be released on regular bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned 13th Addl. District and Sessions Judge cum Special Judge, Excise, East Champaran, Motihari in



connection with Chhatauni P.S. Case No. 214 of 2020.

(Mohit Kumar Shah, J)

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