

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40833 of 2020**

Arising Out of PS. Case No.-49 Year-2020 Thana- PAHARPUR District- East Champaran

Sunil Tiwari @ Sunil Kumar Tiwari S/O Rama Tiwari R/O Noneya Tiwari
Tola, P.S.- Paharpur, District- East Champaran.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Patanjali Rishi, Advocate
For the Opposite Party : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 26-02-2021 Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in connection with Paharpur
P.S. Case No. 49 of 2020 instituted for the offences under
Sections 30 (a) and 36 of the Bihar Prohibition and Excise Act,
2016.

1260 litres of raw spirit is said to have been recovered
from an orchard.

Learned counsel for the petitioner submits that the
recovery is not from his conscious possession but from a place
which is open from all sides. He further submits that the
petitioner is a person of clean antecedent and there does not
appear to be any recovery indicating any attempt at brewing
liquor. The petitioner is in custody since



08.07.2020. Similarly situated co-accused has already been allowed bail by a co-ordinate bench of this Court vide order dated 30.1.2021, passed in Cr.Misc.No. 36484 of 2020.

In the facts of the case, prayer for bail of the petitioner is allowed. Let the petitioner, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, East Champaran, in connection with Paharpur P.S. Case No. 49 of 2020 on 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/her absence on two consecutive dates without sufficient reason, his/her 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.

(Prabhat Kumar Singh, J)

Shashi

U		T	
---	--	---	--

