

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40579 of 2020

Arising Out of PS. Case No.-378 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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CHUNNU TIWARI @ CHUNU TIWARI S/o Nandu Tiwari Resident of
Village- Bahuara Harbansh, P.S.- Kalyanpur, Distt- East Champaran, Motihari

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinod Kumar
For the Opposite Party/s : Mr. APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 09-02-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is in custody since 27.09.2020 in connection with Excise Case No. 378/20 registered for the offences punishable under Sections 30(a)/56(b) of the Bihar Prohibition and Excise Act.

As per the prosecution case, 100 litres of Mahua liquor was recovered from the Mahindra Bolero vehicle and the petitioner was the driver of the said vehicle.

It is submitted on behalf of the petitioner that nothing has been recovered from the conscious possession of the petitioner. It is further submitted that petitioner is simply a driver who was driving the vehicle as per direction of the



vehicle's owner and he was unaware of the fact that liquor is being carried in the vehicle in question. Chargesheet has already been submitted in this case. Petitioner is in custody since 27.09.2020 having no criminal antecedents.

Considering the aforesaid facts and circumstances, the bail petition of the petitioner is allowed. Let the petitioner above named be released on bail, on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount to the satisfaction of learned Special Judge, Excise, Gaya, in connection with Excise Case No. 378 of 2020, subject to 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 on his absence on two consecutive dates without sufficient reason, his bail-bonds shall be cancelled by the Court below.

(2) If the petitioner tempers 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)

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