

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.5023 of 2021**

Arising Out of PS. Case No.-84 Year-2020 Thana- CHANDI District- Bhojpur

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Gorakh Nath Tiwari @ Gorakh Tiwari, Son of Suresh Tiwari @ Suresh Kumar Tiwari, resident of Village- Kudariyan, P.S.- Tarari, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Ganesh Prasad Singh, Adv.

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**  
**ORAL ORDER**

2      06-08-2021                      Heard Mr. Ganesh Prasad Singh, the learned Advocate for the petitioner and the learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in connection with Chandi P.S. Case No. 84 of 2020, dated 16.06.2020, instituted for the offence under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The police received an information that two persons, viz., Kariya Pandey and Sanjay Singh have brought liquor in their village and have stored it in the house of one Lallu Pandey. The house of aforesaid Lallu Pandey was



raided and from there, 873 litres of liquor was recovered.

It has been submitted on behalf of the petitioner that he has not been named in the F.I.R. and has been made accused in this case only because of the confessional statement of Kariya Pandey. It has further been submitted that merely on the confession of an arrested accused person, the petitioner could not be prosecuted for this offence.

This, along with the fact that the petitioner has not been made accused in any case whatsoever in the past, prompts the learned counsel for the petitioner to argue that no offence under the Excise Act can at all be said to have been made out against the petitioner.

Regard being had to the facts afore-stated, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of eight weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Bhojpur at Ara in connection with Chandi P.S. Case No. 84 of 2020,



subject to the conditions laid down under Section 438(2) of  
the Cr.P.C.

The application stands allowed.

**(Ashutosh Kumar, J)**

Praveen-II/-

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