

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13080 of 2022

Arising Out of PS. Case No.-1 Year-2022 Thana- AANDAR District- Siwan

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Ashish Ranjan Tiwari S/o Rabindranath Tiwari R/o village- Bhatkan Khem,
P.S.- Andar, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Advocate
For the Opposite Party/s : Mr. Nityanand, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 24-06-2022 Heard learned senior counsel appearing on behalf of

the petitioner and learned counsel appearing on behalf of the

State.

Let the defect(s), if any, be removed within a period

of four weeks from today.

The petitioner seeks bail in connection with Andar

P.S. Case No. 1 of 2022 registered for the offence under

Sections 25 (1-b)a, 26 and 35 of Arms Act and Section 30(a) of

Bihar Prohibition and Excise Act, 2016.

The accused/petitioner is named in the F.I.R. and is in



custody since 05.01.2022.

The allegation against the petitioner is to have in possession of 673.92 liters of illicit IMFL, while travelling in a truck.

Learned senior counsel appearing on behalf of the petitioner submitted that the allegation that truck, from where illicit liquor and fire arm was recovered, was jointly occupied by other co-accused persons, as such, it cannot be said that the recovery of alleged fire arm and illicit liquor was found in conscious physical possession of the petitioner. It has further been submitted that the petitioner is involved in four different criminal cases but same is nowhere connected with excise matter, as of this case, which was founded over family dispute of the petitioner. While concluding the argument, it has further been submitted that the seizure list is disputed and is appearing anti dated and moreover, chargesheet has already been submitted in this case, as such there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State while opposing the prayer of bail fairly conceded that the alleged truck was also occupied by co-accused persons.

Considering the facts and circumstances as mentioned



above, as the recovery of alleged fire arm and illicit liquor is not from the conscious physical possession of the petitioner coupled with the fact that chargesheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Andar P.S. Case No. 1 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Judge-II, Siwan, subject to the following conditions:

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by



the documents.

(iii) That one of the bailors shall be Rabindranath Tiwari, who is the father of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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