

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17866 of 2022**

Arising Out of PS. Case No.-28 Year-2022 Thana- MADANPUR District- Aurangabad

Vishal Tiwari Son Of Ramesh Chandra Tiwari Sr/O Village- Siswa, P.S.-
Ramkanda, District- Garhwa (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate

For the Opposite Party/s : Syed Mojibur Rahman, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 08-07-2022 Heard learned 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
Madanpur P.S. Case No. 28 of 2022 registered for the offence
under Sections 279, 188 and 427 of the Indian Penal Code and
30(a) & 33 Bihar Prohibition and Excise Act.

The accused/petitioner is not named in the F.I.R. and
is in custody since 21.01.2021.

The allegation against the petitioner is to be engaged
in illegal trade of illicit liquor, where, there is recovery of 525
litres of spirit.

Learned counsel appearing on behalf of the petitioner



submitted that petitioner is driver of the alleged Scorpio, from where, recovery has been made. It has been submitted that nothing surfaced during course of investigation, which may suggest that the petitioner was under knowledge of consignment of illicit liquor. It has also been submitted that petitioner is a man of clean antecedent. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that the petitioner is driver.

Considering the facts and circumstances as mentioned above, as alleged recovery has not been made from the conscious physical possession of the petitioner, who is a man of clean antecedent coupled with the fact that charge-sheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Madanpur P.S. Case No. 28 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 Special Judge-Ist, Excise Act, Aurangabad, subject to the following conditions:

“(i) 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.

(ii) That one of the bailors shall be Priya Kumari @ Priya Tiwari, who is the wife of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

S.Katyayan/
R.S.Sen/-

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