

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28152 of 2022

Arising Out of PS. Case No.-442 Year-2019 Thana- PIPRA District- East Champaran

NISHU TIWARI S/o Narmdeshwar Tiwary Resident of Village- Tiwari Tola,
P.S.- Pipra, District- East Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rishikesh Ojha
For the Opposite Party/s : Mr.Meena Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 05-08-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with Pipra
P.S. Case No. 442 of 2019 registered for the offence punishable
under Sections 272, 273/34 of the Indian Penal Code and
Section 30(a) of Bihar Prohibition Excise Act 2016.

As per prosecution case, there is alleged recovery
of 315 litres of English wine from the house of co-accused Ash
Narayan Thakur. Petitioner was not apprehended on the spot.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence and has
falsely been implicated in this case due to local politics. It is



submitted that the recovery has not been made from the conscious possession of the petitioner and nothing incriminating article or liquor has been recovered and the said land is not belong to the petitioner. Petitioner is in custody since 31.01.2022. Petitioner bears criminal antecedent of nine cases in which six cases are of similar nature. It is submitted that the petitioner is not apprehended on the spot. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, petitioner was not apprehended on the spot charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail 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 Sessions Judge Special Excise Court No. -2, East Champaran, Motihari in connection with Pipra P.S. Case No. 442 of 2019, subject to following conditions:-



(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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