

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28167 of 2022

Arising Out of PS. Case No.-148 Year-2020 Thana- PATEPUR District- Vaishali

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AMRESH KUMAR TIWARI SON OF BINDESHWAR TIWARI R/O- VILL-
MALPUR P.S.- PATEPUR DIST.- VAISHALI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ranjan Kumar

For the Opposite Party/s : Mr.Pronoti Singh

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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 in virtual court proceeding.

The petitioner seeks bail in connection with
Patepur P.S. Case No. 148 of 2020 registered for the offences
punishable under Sections 30(a) and 41 of the Bihar Prohibition
and Excise Amendment Act, 2018.

As per prosecution case, there is alleged recovery
of 571.56 litres foreign liquor from the TATA ACE in question.

Learned counsel for the petitioner submits that
petitioner is not named in FIR, during course of investigation,
the name of the petitioner come as owner of the said vehicle, as
mentioned in impugned order. It is further submitted that



petitioner is in custody since 18.02.2022 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that petitioner was not apprehended on the spot.

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, the petitioner was not apprehended on the spot, **keeping in view clean antecedent of petitioner**, 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 Special Excise Court-2, Vaishali, Hajipur in connection with Patepur P.S. Case No. 148 of 2020, 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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