

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.37995 of 2021**

Arising Out of PS. Case No.-64 Year-2021 Thana- VIJAYEPUR District- Gopalganj

Kanhiya Tiwari, son of Premshankar Tiwari, Village - Laxmipur, P.S.-
Sonwarsha, District - Sitamarhi. Presently, Residing at House No. 5, Block- F,
Bindapur, D.K. Mohan Garden, Delhi (West) – 110059.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Vikash Kumar Pankaj, Advocate
For the Opposite Party : Mr.Pramod Kumar Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 19-01-2022 Heard learned counsel for the petitioner and Mr.
Pramod Kumar Pandey, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail
in connection with Vijayipur P.S. Case No. 64 of 2021 registered
for the offences punishable under Section 30(a) & 32(3) of the
Bihar Prohibition & Excise Amendment Act, 2018. He is in
custody since 21.03.2021 having no criminal antecedent as
stated in paragraph ‘3’ of the application.

As per the prosecution story, the informant has
alleged that pursuant to the secret information the petitioner was
apprehended on chase while driving a Hyundai Santro Car from
which total 299.68 liters of foreign liquor were recovered.
Petitioner informed to the informant that he is the driver of the
Car which belongs to one Sonu Kumar who is residing at Delhi.



Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case, he happens to be the driver of the Car which belongs to one Sonu Kumar.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the submissions that this petitioner happened to be the driver of the private vehicle which belongs to one Sonu Kumar and that he was not aware of the articles kept in the car and further that the petitioner has got no criminal antecedent and is in custody in connection with this case since 21.03.2021, this court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Gopalganj in connection with Vijayipur P.S. Case No. 64 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail



bonds in terms of the above-mentioned order shall not be
delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

