

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38474 of 2021

Arising Out of PS. Case No.-136 Year-2021 Thana- BARAULI District- Gopalganj

Jai Shankar Tiwari @ Jay Shankar Tiwari @ Jay Shanker Tiwari Son of
Dharam Nath Tiwari @ Dharm Nath Tiwari Resident of Village - Bhadkuyan
P.O. and P.S. - Barauli, District – Gopalganj. Petitioner
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar
For the Opposite Party/s : Mr.Arun Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 16-02-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State in Virtual Court
proceeding.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in connection with Barauli P.S.
Case No. 136 of 2021 registered for the offences punishable
under Section 30(a) of Bihar Prohibition and Excise
Amendment Act, 2018.

According to prosecution case, the officer-in-charge,
Barauli P.S. in his written report stated that on 25.2021 at 5.45
A.M. he received a secret information that liquor was kept
hidden by some persons namely, Jaishankar Tiwary and Laddu
Patel at Bhakuiya Tiwari Tola and on that information the



informant along with other police officials reached there and apprehend the persons and recovered 40 liters of wine from seven water jar.

Learned counsel for the petitioner submits that petitioner has committed no offence and he has falsely been implicated in the present case. He further submits that it appears from the FIR and seizure list that nothing has been recovered from the conscious possession of the petitioner rather recovery has been made near the boundary of co-accused Nagina Sah and Sunil Sah. He further submits that the police after investigation, submitted charge-sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Sunil Sah has been granted bail by a co-ordinate Bench of this court vide order dated 4.1.2021 passed in Cr. Misc. No. 50574 of 2021 and the petitioner is in custody since 4.5.2021.

The learned Additional Public Prosecutor opposed the prayer of bail, submitting that petitioner carries one criminal antecedent.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the



satisfaction of the learned 2nd Additional District and Session Judge, Gopalganj, in connection with Barauli P.S. Case No. 136 of 2021, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. 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.

(Rajesh Kumar Verma, J)

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