

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28990 of 2022

Arising Out of PS. Case No.-499 Year-2021 Thana- BODHGAYA District- Gaya

Ramesh Tewari S/o Late Srinath Tiwari Resident of House No.3, Dilkhusa,
S.T. Park, Circus Avenue, P.S.- Karaya, District- Kolkata- 700017. (West
Bengal)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Prachi Pallavi, Advocate

For the Opposite Party/s : Mr. Pradeep Narain Kumar, A.P.P

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 06-08-2022 Heard learned counsel for the petitioner and learned
A.P.P for the State through virtual Court proceedings.

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

The petitioner seeks bail in connection with a case
registered for the offences punishable under Sections 272, 273
and 34 of the Indian Penal Code and under Sections 30(a),
32(2), 33, 36 and 41(1) of Bihar Prohibition and Excise Act.

Allegation is of recovery of 4200 liter spirit from a truck.

Learned counsel for the petitioner submits that the
petitioner is innocent and he is neither the owner nor the driver
of the said truck and he is not known to the driver. Further, it is
submitted that he has been implicated in this case on the basis of



confessional statement of the driver. It is submitted that mandatory provision of Sub-section 2 of Section 74 and Section 82 of the Bihar Prohibition and Excise Act with respect to search and seizure have not been followed. It is further submitted that the petitioner is in custody since 14.03.2022 and has antecedent of three cases.

Learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances of this case, the above named petitioner is directed to be enlarged on bail furnishing bail bond of Rs. 10,000/- (Ten Thousand) only with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Bodhgaya P.S. Case No. 499 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

(3) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in



any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(4) 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.

(Khatim Reza, J)

Gaurav Kumar/-

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