

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33098 of 2022

Arising Out of PS. Case No.-208 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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1. SANTOSH TIWARI Son of Sudarshan Tiwari Resident of Village - Bhorea, P.s.- Belaw, Distt.- Kaimur.
 2. Priyadarshi Kumar Tiwari Son of Ravishankar Tiwari Resident of Village - Bhorea, P.s.- Belaw, Distt.- Kaimur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Priya Ranjan

For the Opposite Party/s : Mrs.Pronoti Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 12-08-2022 Learned counsel for the petitioners is permitted to
make necessary correction in para 12 of the petition.

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 petitioners and
learned A.P.P. for the State in virtual court proceeding.

The petitioners seek bail in connection with Excise
Case No. 208 of 2022 registered for the offences punishable
under Sections 30(a), 56(b) of the Bihar Prohibition and Excise
Amendment Act, 2018.

As per prosecution report, there is alleged recovery
of 437.40 litre illicit foreign liquor from pickup van in question



and petitioners were apprehended on the spot.

Learned counsel for the petitioners submits that petitioners are in custody since 06.04.2022 and bear no criminal antecedent. Prosecution report has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that petitioners are driver and conductor of the vehicle in question and they had no knowledge of illicit wine. Petitioners have no concern with the alleged recovered liquor and vehicle.

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

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioners, prosecution report 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 petitioners above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Court No. 3, Gaya in connection with Excise Case No. 208 of 2022, 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) Petitioners 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 petitioners tamper 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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