

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42355 of 2021

Arising Out of PS. Case No.-10 Year-2021 Thana- SAHAJITPUR District- Saran

Uma Shankar Tiwari @ Bhuwar, son of Biendra Tiwari, resident of village –
Barki Dhawari, P.S. - Sahajitpur, District – Saran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Harsh Anuj, Advocate

For the Opposite Party : Mr.Raj Kishore Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 06-04-2022 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by office within four
weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Raj
Kishore Singh, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail
in connection with Sahajitpur P.S. Case No. 10 of 2021
registered for the offences punishable under Section 30, 30(a) of
the Bihar Prohibition and Excise Act. He is in custody since
03.02.2021. Petitioner has got six criminal antecedents as stated
in paragraph ‘3’ of the application.

As per the prosecution story, the informant has
alleged that while he along with other police officials were
engaged in vehicle checking, in the meantime, he received



information that at village Dhawari Kali Asthan, huge quantity of illicit liquors were unloading by the petitioner, thereafter he reached at the alleged place and found that four persons were standing with one Pick-up van, but on seeing police party all the accused persons fled away from the spot. The informant further alleged that in course of search of the vehicle total 287.640 liters of country made wine were recovered.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. Petitioner is not the owner of the said pick-up van. Learned counsel submits that petitioner was not arrested from the spot.

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

Having regard to the submission that in this case the vehicle on which the illicit liquors have been found was standing at a lonely place, the petitioner has no hut and hearth around the said area, the seizure list witnesses are not independent persons of the locality and the petitioner was not arrested on the spot however he has been falsely implicated in this case only because he was earlier made an accused in three other cases of similar nature, the petitioner is in custody for more than one year in connection with this case, investigation



against him is complete but the trial is not likely to be concluded in near future and his presence may be secured in course of trial, thus, 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 2nd Additional Sessions Judge-cum-Special Judge, Excise, Saran in connection with Sahajitpur P.S. Case No. 10 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'.

