

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.44171 of 2021**

Arising Out of PS. Case No.-112 Year-2021 Thana- KUNDWACHAINPUR District- East  
Champaran

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KRISHNA TIWARY @ CHHOTAN TIWARY SON OF SRIKANT TIWARY  
R/O VILLAGE- SAZAIYA GOPAL, P.S.- PATAHI, DISTRICT- EAST  
CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Priyesh Kumar, Advocate

For the Opposite Party/s : Mr. Ajit Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH  
ORAL ORDER**

2      11-01-2022      Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the  
petitioner and learned APP appearing on behalf of the State.

Let the defect(s) be removed within two weeks of the  
complete start of the physical Court in normal course.

Petitioner who is in custody since 27.05.2021 seeks  
regular bail in connection with Kundwachainpur P.S. Case No.  
112 of 2021 registered for offence punishable under Sections  
413, 414 of the Indian Penal Code and Section 30(a), 41(1) of  
the Bihar Prohibition and Excise Act, 2018.

Prosecution case in brief is that upon receiving secret  
information, the police reached the place of occurrence and saw  
a person on motorcycle bearing Registration No. BR06AL-4702



with Joot sack and on seeing the police the motorcyclist started to flee but got caught. He disclosed his name as Krishna Tiwari @ Chhotan Tiwari. From the Joot sack 240 piece each containing 300 ml total 72 litres of Nepali soufi wine was recovered and seized.

Learned counsel appearing on behalf of the petitioner submits that petitioner is innocent and nothing has been recovered from his conscious possession nor the motorcycle belongs to him. He has been implicated in this case for some enimical reasons. He further submits that petitioner is in custody since 27.05.2021 and has got clean antecedent.

Learned A.P.P. has opposed the prayer for grant of bail to the petitioner.

Considering the above mentioned facts and circumstances of the case, let the petitioner above named be enlarged on bail upon furnishing bail bond of Rs. 1,00,000/- (Rupees One Lac) with two sureties of the like amount each to the satisfaction of learned Special Judge under Excise Act, East Champaran at Motihari in connection with Kundwachainpur P.S. Case No. 112 of 2021 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court



concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel their bail bond.

**(Purnendu Singh, J)**

Niraj/-

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