

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49870 of 2021

Arising Out of PS. Case No.-603 Year-2020 Thana- BRAHMPUR District- Buxar

BHUAR TIWARI @ RAKESH TIWARI Son of Bhagwan Tiwari Resident of
Barki Nainijor, P.S.- Brahampur (Nainijor), District - Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satyendra Kumar Singh

For the Opposite Party/s : Mr.Kanhaiya Kishore(App100)

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 12-05-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

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

The petitioner seeks regular bail in connection with
Brahampur (Nainizore) P.S. Case No. 603 of 2020, for the
offence punishable under Sections 272, 273, 120(B)/34 of the
Indian Penal Code and Section 30(a) of the Bihar Prohibition
and Excise (Amendment) Act, 2018.

Prosecution case in brief is that altogether 69.120
litres of illicit liquor was recovered from two motorcycle
bearing Registration No. BR-01CV-3162 and BR01V-6891
along with three mobile sets while 4-5 motorcyclists fled away
from the place of raid near Jawahi Diyar Bandh area.

Learned counsel appearing on behalf of the petitioner



submits that the petitioner is innocent and he has falsely been implicated in this case. He further submits that nothing has been recovered from the conscious possession. He further submits that other co-accused namely Dilip Yadav @ Dilip Kumar Yadav has already been released on bail vide order dated 12.01.2022 passed in Criminal Miscellaneous No. 46944 of 2021. The petitioner has clean antecedent and he is in custody since 20.02.2021.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner and submits that it would not be in the interest of the society to release the petitioner on bail as after consuming country made liquor hooch tragedy is rampant in the State of Bihar.

Considering the aforementioned facts and circumstances of the case and period of custody undergone by the petitioner, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 2,00,000/- (Rs. Two Lakh) with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge-II-cum-Special Judge (Excise Act), Buxar in connection with Brahmpur (Nainizore) P.S. Case No. 603 of 2020, subject to the following conditions:-



(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

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

(3) 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.

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

(Purnendu Singh, J)

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