

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38877 of 2022

Arising Out of PS. Case No.-263 Year-2022 Thana- BIDUPUR District- Vaishali

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Annu Tiwary @ Prashant Kumar Tiwary Son Of Prem Narayan Tiwary R/O
Village- Jurawanpur, Gopalpur, Ward No.-3, P.S.- Bidupur, District- Vaishali-
844504

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Surendra Kishore Thakur

For the Opposite Party/s : Mr.Anil Kumar

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 16-09-2022 Let the defects, if any, be removed within four
weeks from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State through
video conferencing.

Petitioner seeks bail in a case registered in
connection with Bidupur P.S. Case No. 263 of 2022 for the
offences punishable under Sections 30(a), of the Bihar
Excise (Prohibition) Amendment Act.

As per the prosecution case, it is alleged that the
police on secret information raided the house of the accused
Manohar Bhagat and on search 207.155 liters Indian made



foreign liquor was recovered. It is further alleged Manohar Bhagat disclosed the name of the petitioner as owner of the liquor.

Learned counsel for the petitioner submits that the petitioner was neither arrested at the spot nor any incriminating article has been recovered from his person and possession. He next submits that from the FIR, it would be evident that the entire recovery has been made from the house of Manohar Bhagat so far as petitioner is concern, he is neither connected to co-accused nor has any concern with the illicit liquor. He further submits that there is no compliance of section 81 and 82 of the Bihar Prohibition & Excise Act, apart from the fact that the petitioner is in custody since 27.05.2022, though after completion of investigation charge sheet has been submitted. He further submits that petitioner is also named in one another criminal case in which he is on bail.

On the other hand, learned counsel for the State opposed the bail application and submits that petitioner has named in one another case.

Regard being had to the submission made on



behalf of the parties and considering the fact that recovery has been made from the house of Manohar Bhagat and save and except the disclosure made by him, there is no other material suggesting the complicity of the petitioner in the present crime, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Vaishali at Hajipur in connection with Bidupur P.S. Case No. 263 of 2022 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.



(v) 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 cancelling 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.

(Harish Kumar, J)

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