

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54381 of 2021**

Arising Out of PS. Case No.-54 Year-2021 Thana- MOTIPUR District- Muzaffarpur

BHOLA TIWARI @ KANHAI TIWARI Son of Late Raj Kishor Tiwari
Resident of Village - Sadha Singila, P.S.- Motipur, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr.Kalyan Shankar

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

2 09-02-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor appearing for the State.

The petitioner seeks regular bail in connection with
Motipur Police Station Case No. 54 of 2021 registered for the
offences punishable under Sections 30(a)/41(1)(2) of the Bihar
Prohibition and Excise Act, 2016.

The prosecution case, as per the First Information
Report, is that a total quantity of 8.640 litres of illicit liquor has
allegedly been recovered from the back side of the house of the
petitioner and from a wagon-R car, standing outside the house
of the petitioner, 51.84 litres of illicit liquor has been recovered
and the wife of the petitioner, i.e. co-accused Rupa Tiwary, was
arrested from the house of the petitioner.

Learned Counsel for the petitioner submits that the



petitioner has falsely been implicated in this case along with his wife and he has no concern with the illicit liquor and/or the vehicle standing outside his house. He further submits that the illicit liquor has not been recovered from conscious possession of the petitioner and/or the premises belonging to him and the same has been recovered from behind the house of the petitioner and from a Wagon-R car standing in front of the house of the petitioner. He further submits that the wife of the petitioner, i.e. co-accused Rupa Tiwary, has been granted bail by this Court vide order, dated 03.01.2022, passed in Criminal Misc. No. 34222 of 2021. He further submits that the petitioner is in custody since 29.07.2021, having no criminal antecedent, and charge sheet has been submitted against the petitioner and as such, there is no likelihood that the petitioner will abscond and/or tamper with the evidence.

Regards being had to the submission made by the parties and taking into consideration the materials on record and the fact that the petitioner has got no criminal antecedent, he is in custody since 29.07.2021, no illicit liquor has been recovered from the conscious possession of the petitioner and charge sheet has already been submitted, I am inclined to grant regular bail to the petitioner.



This application is, accordingly, allowed.

Let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise, Muzaffarpur, in connection with Motipur Police Station Case No. 54 of 2021.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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