

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49022 of 2022

Arising Out of PS. Case No.-205 Year-2022 Thana- GUTHANI District- Siwan

1. Rishabh Tiwari, S/o Yashwant Tiwari, R/o village- Maharajganj Tola Devpur, P.S.- Gulariya, District- Gorakhpur (Uttar Pradesh)
2. Priay Prakash Dubey @ Priay Prawash Dubey, S/o Rajiv Dubey @ Rajeev Kumar R/o village- Dorma, P.S.- Gola, District- Gorakhpur (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 02-11-2022 Heard learned counsel for the petitioners and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioners seek bail in
connection with Guthani P.S. Case No. 205 of 2022, registered
for the alleged offence under Section 30 (a) of the Bihar
Prohibition and Excise Act.

As per the prosecution case, on the basis of secret
information, a Toyota Etios vehicle was intercepted and from
the search of this vehicle, total 172.740 litres of India made
foreign liquor was recovered. The petitioners are stated to be the



driver and helper of the vehicle and they were apprehended while running away from the vehicle when the raid was made.

The learned counsel for the petitioners submits that the petitioners being the driver and helper have no knowledge about the consignment and they were only doing their duty and they have no idea about the liquor loaded in the vehicle. Nothing incriminating has been recovered from their conscious possession. The charge sheet has been submitted in this case. The petitioners are in custody since 01.08.2022 and are having clean antecedents.

The learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made hereinabove and considering the submission of charge sheet and period of custody of the petitioners along with their clean antecedent, they are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.1, Siwan, in connection with Guthani P.S. Case No. 205 of 2022, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close



relative of the petitioners.

(ii) The petitioners will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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