

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49729 of 2022

Arising Out of PS. Case No.-34 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- East Champaran

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NISHU TIWARI Son of Narmdeshwar Tiwary Resident of Village - Tiwari
Tola, P.s.- Pipra, Distt.- East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rishikesh Ojha
For the Opposite Party/s : Md. Fahimuddin

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 29-09-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period

of four weeks from today.

The petitioner seeks bail in connection with Excise

P.S Case No. 34 of 2021 lodged on, 15.01.2021 registered for

the offence under Sections 30(a) and 41(A) of the Bihar

Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in

custody since 29.06.2022.

The allegation against the petitioner is to be engaged

in illegal trade of illicit liquor, where, there is recovery of

2554.2 litres of illicit liquor.



Learned counsel appearing on behalf of the petitioner submitted that recovery of alleged illicit liquor was made from pickup van, parked at Ashok Pakri road, where, this petitioner is not connected with the alleged van as well as illicit liquor, in any manner. It is further submitted that due to local political differences, this petitioner has been falsely implicated in total of 13 cases and for the same reason in the present case also, where, name of petitioner surfaced almost in all the cases, on the basis of confessional statement of co-accused persons. While concluding the argument, it has been submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as no recovery of illicit liquor appears to be made from the conscious physical possession of the petitioner coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Excise P.S Case No. 34 of 2021 lodged on, 15.01.2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the



satisfaction of learned Additional Sessions Judge, Special
Excise Court No. 2, East Champaran at Motihari/concerned
court, subject to the conditions as mentioned under Section
437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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