

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49902 of 2022

Arising Out of PS. Case No.-335 Year-2021 Thana- BHORE District- Gopalganj

Harikesh Tiwari S/O Late Bhagwat Tiwari, Resident of village- Laxmipur,
P.S.- Bhore, District- Gopalganj.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prince Kumar Mishra, Advocate

For the Opposite Party/s : Mr.Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 19-11-2022 Heard learned counsel for the petitioner 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 petitioner seeks bail in
connection with Bhore P.S. Case No. 335 of 2021 registered for
the alleged offences under Section 30(a) of the Bihar Prohibition
and Excise (Amendment) Act, 2016.

As per prosecution case, On the basis of secret
information that the petitioner was indulging in trade of illicit
liquor, a raid was conducted on the house and the petitioner who
managed to escape and from his house. Recovery of total 200
litres of country made *chulai* liquor was made and three co-
accused persons have been also apprehended from the house.



The learned counsel for the petitioner submits that the petitioner was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession. He was not even present at the spot and the name of this petitioner was dragged in this case on extraneous consideration. The petitioner is in no way connected to the alleged recovery. Other persons, who were apprehended from the spot, have been granted bail by a Co-ordinate Bench vide order dated 09.02.2022 passed in Cr. Misc. No. 52100 of 2022. The petitioner is in custody since 04.07.2022 and is having clean antecedent.

Learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made on behalf of the parties and further considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from his conscious possession and the clean antecedent of the petitioner with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Session Judge-II-cum-Special Judge, Excise-I, Gopalganj in connection with



Bhore P.S. Case No. 335 of 2021, subject to the other conditions
under Section 437(3) of the Cr.P.C. and following conditions:

(i) One of the bailors will be a close relative of
the petitioner.

(ii) The petitioner 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 petitioner will be liable to be
cancelled by the court concerned.

(Arun Kumar Jha, J)

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