

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54129 of 2022

Arising Out of PS. Case No.-104 Year-2022 Thana- AMBA District- Aurangabad

ROUSHAN KUMAR TIWARI S/O SACHIDANAND TIWARI Resident of
village- Sasaram Dumra, P.S.- Karahgar, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh

For the Opposite Party/s : Mrs.Sangeeta Sharma

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 21-10-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State in virtual court proceeding.

The petitioner seeks bail in connection with Amba
P.S. Case No. 104 of 2022 registered for the offences punishable
under Section 30(c) of the Bihar Excise Prohibition and
Amendment Act, 2018.

As per prosecution case, there is alleged recovery of
2250 kg mahua flower from the pickup van in question. Petitioner
is said to be driver of the said vehicle and is apprehended on the
spot.

Learned counsel for the petitioner submits that
petitioner is in custody since 16.07.2022 and bears criminal
antecedent of one case of similar nature. Petitioner is not owner of
pickup van in question.

The learned A.P.P. for the State opposes the prayer
for bail of the petitioner.



Considering the facts and circumstances of the case, period of custody, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise-1, Aurangabad in connection with Amba P.S. Case No. 104 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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