

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.976 of 2022

Arising Out of PS. Case No.-161 Year-2021 Thana- BAGHA District- West Champaran

Akhilesh Tiwari Son of Sri Satyanarayan Tiwari Resident of Village-
Pratappur, P.S.- Semra, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mr.Rajendra Prasad Nat

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 12-05-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in a case registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Recovery is of total 115 liters of country made liquor from the Bolero vehicle.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case only on the basis of disclosure made by the co-accused Saheb Yadav. He further submits that



nothing has been recovered from the conscious possession of the petitioner, rather the recovery has been made from the Bolero in question. He further submits that petitioner is neither the owner of the vehicle nor the driver of the vehicle in question and there is no proper compliance of Section 100 of the Cr.P.C. He further submits that similarly situated, co-accused, namely, Saheb Yadav has been granted bail by a co-ordinate Bench of this Court vide order dated 24.01.2022 passed in Cr. Misc. No. 55388 of 2021. The petitioner is in custody since 03.10.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Bagaha P.S. Case No. 161 of 2021, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail



bond shall be cancelled by the Court below.

2. 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.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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