

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63925 of 2022**

Arising Out of PS. Case No.-330 Year-2021 Thana- ARWAL District- Jehanabad

=====

Ramesh Tiwari S/O Late Sri Nath Tiwari R/O Village- Dilkush Street, P.S-
Karaya, District- Kolkata, West Bengal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Avinash Kumar Singh, Advocate

For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA

ORAL ORDER

2 09-12-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State

through virtual Court proceedings.

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

of four weeks from today.

The petitioner seeks bail in connection with Arwal

P.S. Case No. 330 of 2021 registered for the offence under

Sections 30(a), 33 and 41 of the Bihar Prohibition and Excise

Act, 2018.

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

custody since 24.09.2022.

The allegation against the petitioner is to be engaged



in illegal trading/manufacturing of spirit, where, there was recovery of 4000 litres of spirit.

Learned counsel appearing on behalf of the petitioner submitted that the name of petitioner surfaced on the basis of disclosure made by co-accused, namely, Ramesh Mahto, in furtherance of which, no incriminating material recovered/surfaced from the possession of this petitioner, which may connect him with present recovery of spirit. It is further submitted that seizure list appears doubtful being not supported by independent witnesses, rather by police personnels. It is also submitted that petitioner is involved in 4 more criminal cases of similar nature, where he is on bail. While concluding the argument, it has been submitted that investigation of this case is completed, for which charge-sheet has 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 recovery of spirit not appears to be made from physical possession of this petitioner coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Arwal P.S. Case No. 330 of 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 Special Excise Court No. II, Jehanabad/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Archana/-

U		T	
---	--	---	--

