

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2224 of 2023

Arising Out of PS. Case No.-156 Year-2022 Thana- BHABHUA District- Kaimur (Bhabua)

PRANNARAYAN TIWARI @ GANESH TIWARI Son of Saroj Kumar
Tiware R/v- Sion, P.S.- Bhabhua, District- Kaimur at Bhabhua

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Arvind Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 10-02-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The petitioner is apprehending arrest in connection
with Bhabhua P.S. Case No. 156 of 2022 under section
30(a)/38/41 of Bihar Prohibition and Excise Act.

As per the prosecution story, the police upon secret
information intercepted a four wheeler and it is alleged that
181.41 liters of foreign liquor was recovered/seized.

Accordingly, the FIR.

Learned counsel for the petitioner submits that
nothing has been recovered from his conscious possession.
Although, he is owner of the vehicle, the same was taken by his
driver Pintu Kumar for servicing. He was unaware that the



driver has taken the same for illegal transportation of liquor.

Further, irrespective of the outcome of the present case, he is ready to give Rs. 10,000/- in the account no. 14130100415712 of Bihar State Bar Council Advocates Welfare Fund.

Taking into account the aforesaid facts as also the fact that nothing has been recovered from the conscious possession of the petitioner, this Court is inclined to grant him the privilege of anticipatory bail subject to payment of Rs. 10,000/- as state above.

Let the petitioner be released on bail, in the event of his arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Special Judge Excise Court No.I cum-Special Judge IVth, Kaimur, Bhabhua, in connection with Bhabhua P.S. Case No. 156 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the conditions as follows:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;



(ii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(iii) the petitioner shall appear every month till conclusion of the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial Court itself;

(iv) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(v) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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