

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44082 of 2023

Arising Out of PS. Case No.-228 Year-2023 Thana- CHIRAIYA District- East Champaran

NITISH TIWARI S/O UMA SHANKAR TIWARI R/O Village-
Gadhiya/Garahiya, P.S- Dhaka, Distt.- East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Kant Singh, Advocate
For the Opposite Party/s : Mr.Bharat Lal, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 25-07-2023 Learned counsel for the petitioner is permitted to remove defect (s), as pointed out by the office, if any, within a period of four weeks on resumption of physical mode.

2. Heard learned counsel for the petitioner and learned A.P.P for the State.

3. The petitioner has preferred this application for grant of regular bail in connection with Chiraiya P.S. Case No. 228 of 2023 dated 17.05.2023 registered for the offences punishable u/ss 399, 402, 414 of the Indian Penal Code and u/s 25(1-b)a, 26, 35 of the Arms Act and u/s 8/20(b)(ii)(c) of the N.D.P.S. Act.

4. As per the prosecution case, a live cartridge and a motorcycle were recovered from the possession of the petitioner. It is further alleged that the apprehended persons disclosed that they have brought *charas* from Nepal to sell it.

5. Learned counsel for the petitioner has submitted that



the petitioner is innocent and has falsely been implicated in this case. It is further submitted that the petitioner has no concern with the alleged recovery of *charas* and motorcycle rather the said recovery has been made from the co-accused Vikky Tiwary. Nothing has been recovered from the conscious possession of the petitioner. The seized contraband is less than commercial quantity. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 18.05.2023.

6. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

7. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, East Champaran, Motihari in connection with Chiraiya P.S. Case No. 228 of 2023.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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