

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47761 of 2023

Arising Out of PS. Case No.-330 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- Madhubani

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Anarjeet Kumar Tiwari S/O Parikshan Tiwari R/O Village- Fakirana,
Koyleasthan, Basdeopur, Ps. Kewti, Dist. Darbhanga.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar Pandey, Advocate
For the Opposite Party/s : Mr.Md. Iftekhar Mahmood, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 09-08-2023 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

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

of four weeks from today.

3. The petitioner seeks bail in connection with G.O.

Case No. 1377 of 2023 arising out of Excise Prohibition Case
No. 330 of 2023 registered for the offence under Sections 30(a)
of the Bihar Prohibition and Excise Act, 2018.

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

in custody since 14.04.2023.

5. The allegation against the petitioner is to be

engaged in illegal trading/manufacturing of illicit liquor, where,

there is recovery of 93 litres of IMFL/country made liquor from



the Car.

6. Learned counsel appearing on behalf of the petitioner submitted that petitioner is a driver, where nothing surfaced during the course of investigation, which may suggest that he was aware about the carrying illegal consignment of illicit liquor, and as such, it can be said safely that recovery of alleged illicit liquor not appears to be made from the conscious physical possession of this petitioner. While concluding the argument, it is submitted that petitioner is a man of clean antecedent, and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

7. Learned APP, opposes the prayer of bail.

8. Considering the facts and circumstances as mentioned above as alleged recovery of illicit liquor not appears to be made from the conscious physical possession of this petitioner, where implication appears only being driver of the alleged car from where illicit liquor was recovered, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 14.04.2023, accordingly, petitioner above named, is directed to be released on bail in connection with G.O. Case No. 1377 of 2023 arising out of



Excise Prohibition Case No. 330 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned ADJ-II- Cum Special Judge, Excise Act Madhubani/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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