

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57716 of 2023

Arising Out of PS. Case No.-146 Year-2023 Thana- NAUTAN District- Siwan

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MOHIT TIWARI @ MOHIT KUMAR TIWARI S/o SATYENDRA TIWARI
Resident of village - Pratappur, P.O. - Sahpur, P.S. - Nautan, Distt. - Siwan,
Bihar

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms.Riya Giri, Advocate

For the Opposite Party/s : Mrs.Meena Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 01-09-2023 Heard Ms. Riya Giri, learned counsel for the

petitioner and the State

The petitioner is in judicial custody in connection with Nautan P.S. Case No. 146 of 2023 for the offence punishable under Sections 30(a) of the Bihar Prohibition and Excise Act lodged on 31.7.2023 by the informant, Sheonandan Ojha .

As per the prosecution story, the allegation is that the police intercepted a motorcycle and the person riding had a bag in which beneath the 'Chokar' 45 liters of illicit country made liquor were found/recovered/seized which led to lodging of the FIR and his arrest.

It is the case of the petitioner that he was asked to take



the bag to a particular place, little realizing that beneath the 'Chokar' illicit liquor is/are present for which he has already suffered by being in custody since 01.08.2023 (para-21 of the petition) and he do not have criminal antecedent, is a young boy of 19 years and he does not own the motorcycle.

Learned APP opposes the prayer prayer stating that he was caught with the bag from which the liquor was recovered.

Considering the submission put forward by the parties, he does not own the vehicle, he is a young boy of 19 years, do not have criminal antecedent and is in custody since 01.08.2023. this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Court of Exclusive Special Excise, Court No.2, Siwan, in connection with Nautan P.S. Case No. 146 of 2023 subject to the following conditions:

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

(ii) the petitioner shall appear on each and every date



before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

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

(iv) 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;

(v) 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.

With the aforesaid observations, the bail application is allowed.

Before parting, this Court would like to put on record its word of appreciation for Ms. Riya Giri, learned counsel for the petitioner for the proper assistance rendered by her.

(Rajiv Roy, J)

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