

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57323 of 2023

Arising Out of PS. Case No.-452 Year-2023 Thana- HAJIPUR SADAR District- Vaishali

DEEPAK KUMAR TIWARY S/O BALI TIWARI @ BALI TIWARI
RESIDENT OF VILLAGE- BAKARPUR, P.S- HAJIPUR SADAR, DISTT.-
VAISHALI.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Chandra Gandhi, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 31-08-2023

Heard the parties.

The petitioner is an accused in connection with Hajipur Sadar P.S. Case No. 452 of 2023 registered for the offences under sections 467, 468, 471 and 120(B) of the Indian Penal Code and section 30(a), 32(2) @ 32(ii), 36 and 41(i) @ 41(1) of the Bihar Prohibition and Excise Amendment Act lodged on 11.06.2023 by the informant, Sanjeev Kumar.

As per the prosecution story, on secret information, a truck was intercepted and 4892.400 litres of Indian made foreign liquor recovered/seized followed by the FIR.

It is the case of the petitioner that he was a second cleaner in the truck, a poor person and he was only asked to travel between Asthipur to Arra. Further, he is in custody since



12.06.2023 (as stated in paragraph 1 of the bail application)

Learned APP for the State, on the other hand, opposes the prayer for bail.

Considering the aforesaid submissions, the period of custody (12.06.2023), he do not have criminal antecedent and is a second cleaner, this Court is inclined to extend him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Exclusive Special Excise Court No. 1-Cum-Additional District and Sessions Judge, Vaishali at Hajipur in connection with Hajipur Sadar P.S. Case No. 452 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 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 his 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 the bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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