

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61475 of 2022

Arising Out of PS. Case No.-235 Year-2022 Thana- MANJHI District- Saran

Tribhuwan Kumar Tiwari, (Male), aged about 32 years, S/o Ram Nath Tiwari
R/o Village- Sirasi Bazar, P.S.- Bhelahi, Distt- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Adv.

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 06-01-2023 This matter has been taken up today for consideration through video conferencing.

Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in connection with Manjhi P.S. Case No. 235/22 registered for the offence punishable under Sections 30(a) of the Bihar Prohibition and Excise Act.

The petitioner's Aadhaar Card, Driving Licence, Voter Card, ATM Card have been recovered from the vehicle from which 151 (one hundred fifty-one) litres of 'English Wine' has been recovered leading to his implication in the instant case.

Learned counsel for the petitioner submits that petitioner, even as per prosecution case, was not apprehended from the vehicle, and there is no recovery of illicit liquor from his possession. He is in custody since 02.09.2022, and his implication is based on the fact that earlier he was implicated in another case of Bihar Prohibition and Excise Act in Manjhi P.S. Case No. 289/22.

Learned APP for the State has opposed the prayer for bail.



Considering the rival submissions, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned 2nd Exclusive Special Excise Court, Saran, Chapra, in connection with Manjhi P.S. Case No. 235/22, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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