

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60493 of 2022

Arising Out of PS. Case No.-289 Year-2022 Thana- MANJHI District- Saran

Tribhuwan Tiwari S/o Ram Nath Tiwari, R/o Village- Sirshi 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, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 04-01-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), if any, as pointed out by the office
be removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Manjhi P.S. Case No. 289 of 2022 registered
for the alleged offences under Sections 30/30(a)/38/41 of Bihar
Prohibition and Excise Act, 2016.

As per prosecution case, on secret information
checking of vehicles was started and the vehicle of the petitioner
was intercepted and he was found carrying 99.720 liters of India
made foreign liquor.

Learned counsel for the petitioner submits that the
petitioner is the driver of the vehicle and he has no concern with



the seized liquor. No recovery was made from the vehicle of this petitioner and the recovery has been made from the motorcycles of other persons, as it mentioned in the F.I.R. later on. But the petitioner was made accused in this case due to high handedness of the police. The petitioner is in custody since 13.08.2022 and charge-sheet has been submitted.

Learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the period of custody of the petitioner along with the submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of 2nd Exclusive Special Excise Court, Saran, Chapra in connection with Manjhi P.S. Case No. 289 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence for three consecutive dates



or in violation of the terms of the bail, the bail
bond of the petitioner will be liable to be
cancelled by the court concerned.

(Arun Kumar Jha, J)

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