

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69148 of 2023

Arising Out of PS. Case No.-331 Year-2023 Thana- KUCHAIKOTE District- Gopalganj

DEEPRANJAN TIWARI @ DIPRANJAN TIWARI SON OF LATE HARI
MOHAN TIWARI RESIDENT OF VILLAGE - BINOD KHAREYA, P.S. -
GOPALPUR, DISTRICT - GOPALGANJ

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sumit Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 19-10-2023 Heard Mr. Sumit Kumar, learned Counsel for the

petitioner and learned APP for the State.

The petitioners is an accused in connection with
Kuchaikote P.S. Case No. 331 of 2023 registered for the
offences under section 30(a) of the Bihar Prohibition and Excise
(Amendment) Act lodged on 29.06.2023 by the informant,
Mahaveer Prasad.

As per the prosecution story, the allegation is that the
police intercepted a motorcycle and recovered/seized 47 litres
200 ml country made liquor from the motorcycle. As the
motorcycle belongs to this petitioner, he was arrested and the
FIR lodged.

Learned Counsel for the petitioner submits that he



was standing there with the motorcycle which was parked and on the pretext of checking, he was implicated with the wine which was not recovered from his conscious possession. Further, he do not have criminal antecedent.

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

Taking into account the submissions put forward by the learned Counsel for the petitioner as also the fact that nothing has been recovered from his conscious possession, being the owner he has been implicated and is in custody since 30.06.2023 (as stated in paragraph 9 of the bail application), this Court is inclined to extend him privilege of bail.

Let the petitioners 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 Additional District and Sessions Judge IVth Cum-Special Judge Excise Court No. II, Gopalganj in connection with Kuchaikote P.S. Case No. 331 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 his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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