

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71629 of 2023**

Arising Out of PS. Case No.-203 Year-2023 Thana- GOPALPUR District- Gopalganj

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MANMOHAN JEE TIWARI @ MANMOHAN TIWARI S/O RAMESH
TIWARI R/O SAIDPURA, P.S- GORIYAKOTHI, DISTT.- SIWAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raj Kishore Prasad

For the Opposite Party/s : Mr.Nitya Nand Tiwary

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 19-12-2023 Learned counsel for the petitioner is permitted to

make necessary correction in para-1 of the bail petition during

course of the day.

2. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

3. The petitioner seeks bail in connection with

Gopalpur P.S. Case No. 203 of 2023 registered for the offence

punishable under Section 30(a) of Excise Amendment Act,

2016.

4. As per prosecution case, petitioner is said to be

apprehended on the spot alongwith motorcycle in question and

54 litre country made liquor was recovered from a sack which

was tied on the said motorcycle.

5. Learned counsel for the petitioner submits that



petitioner is quite innocent and has not committed any offence as alleged in the FIR and he has falsely been implicated in this case by the police officials. Petitioner is in custody since 21.08.2023. Petitioner bears criminal antecedent of one case in which he is on bail. No incriminating article has been recovered from conscious possession of the petitioner. Petitioner has nothing to do with the alleged recovery of liquor. Learned counsel orally submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

6. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

7. Considering the facts and circumstances of the case, period of custody, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-IV-cum Exclusive Special Judge, Excise Court No. II, Gopalganj in connection with Gopalpur P.S. Case No. 203 of 2023, subject to following conditions:-



(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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