

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70623 of 2022

Arising Out of PS. Case No.-348 Year-2022 Thana- SAHPUR District- Bhojpur

Rakesh Tiwary @ Sanjay Tiwari Son Of Ramanand Tiwary R/O Village-
Ramdatahi, P.S.- Shahpur (Karnamepur O.P.), District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 05-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Excise Court
No. II, Bhojpur at Ara arising out of Shahpur (Karnamepur O.P.)
P.S. Case No. 348 of 2022 registered for the offences punishable
under Section Section 30(a) of the Bihar Prohibition and Excise
Act, 2018.

Recovery is of 175 litres of English wine.

Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in the
present case. He further submits that it appears from the F.I.R.
as well as seizure list that nothing has been recovered from the
conscious possession of the petitioner rather recovery has been
made from the tempo in question and the petitioner has no



concern at all with the alleged recovery of illicit liquor. He further submits that the petitioner is neither the driver nor the owner of the tempo in question and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 28.09.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner on the ground that the petitioner carries one more case other than the present one in which he is on bail.

Considering the facts and circumstances of the case, nothing has been recovered from the conscious possession of the petitioner and the recovery has been made from the tempo in question, 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 Sri Arun Kumar Sharma, learned Exclusive Special Judge, Excise, Excise Court No. II, Bhojpur at Ara in connection with Excise Court No. II, Bhojpur at Ara arising out of Shahpur (Karnamepur O.P.) P.S. Case No. 348 of 2022, with the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and



on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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