

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70989 of 2022

Arising Out of PS. Case No.-285 Year-2021 Thana- CHIRAIYA District- East Champaran

Shailendra Kumar Tiwari @ Shailendra Tiwari, Aged about 39 years, Male,
Son Of Ramashankar Tiwari, Vill.- Siswa, P.S.- Shikarpur, District - West
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Priyesh Kumar, Advocate
For the Opposite Party/s : Mr. Yogendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 05-05-2023 Heard Mr. Priyesh Kumar, learned counsel appearing
on behalf of the petitioner and Mr. Yogendra Kumar, learned
APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Chiraiya P.S. Case No. 285 of 2021 registered for the
offence punishable under Sections 272, 273 of the Indian Penal
Code and Section 30 (a) of the Bihar Prohibitions and Excise
(amendment) Act, 2018.

3. Prosecution story, in brief, is that altogether 60
litres of country made liquor was recovered from the vehicle of
the petitioner.

4. Learned counsel appearing on behalf of the
petitioner submitted that petitioner is innocent and he has falsely
been implicated in the present case. Petitioner was not present at
the time of alleged recovery. Petitioner has clean antecedent.



5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation made in the FIR and the fact that petitioner was not present at the place of occurrence and has clean antecedent, the petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.1 Civil Court East Champaran at Motihari in connection with Chiraiya P.S. Case No. 285 of 2021, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

7. The Court below is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will loose its force automatically.

(Purnendu Singh, J)

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