

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72295 of 2022

Arising Out of PS. Case No.-437 Year-2022 Thana- SABAUR District- Bhagalpur

VINIT KUMAR TIWARY @ BINIT KUMAR TIWARI Son of Santosh Tiwary @ Santosh Tiwari @ Santos Kumar Tivari Resident of Village - Pirpaity, P.S.- Pirpaity, District - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 09-02-2023 Heard the learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks regular bail in connection with Sabour (Goradih) PS case no. 437 of 2022 instituted for the offences punishable under Sections 30(a), 32(i)(ii), 41 of Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 87.50 liters of illicit liquor from a Mahindra vehicle, which was being driven by one Sonu Gond while the petitioner and one other were found sitting in the said vehicle.

The learned counsel for the petitioner submits that the petitioner is innocent, has been falsely implicated in the present case, he is having a clean antecedent and is languishing



in custody since 18.10.2022. The learned counsel for the petitioner has further submitted that considering the fact that this is the first offence of the petitioner and the petitioner is languishing in custody since more than three months, a sympathetic view may be taken.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the period of incarceration of the petitioner herein, I deem it fit and appropriate to admit the petitioner to the privilege of bail.

Accordingly, the abovenamed petitioner is directed to be released on regular bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of Special Judge, Exclusive Excise Court no. 2, Bhagalpur in connection with Sabour (Goradih) PS case no. 437 of 2022.

(Mohit Kumar Shah, J)

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