

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10101 of 2024

Arising Out of PS. Case No.-48 Year-2023 Thana- PIPRA District- Patna

Ajay Tiwary son of Shivnath Tiwary Village- H.No-12, Road No-3A,
Indrapuri Keshri Nagar Ps- Patliputra Dist- patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Utpal Kant

For the Opposite Party/s : Mr.Asha Devi

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 23-02-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Pipra P.S. Case No. 48/2023 registered for the offences punishable under Section 30(a) of Bihar Excise Prohibition and Amendment Act.

3. As per prosecution case, 80 litre Mahua wine was recovered from Tempo in question and co-accused Lalu Paswan was apprehended on spot.

4. Learned counsel for the petitioner submits that petitioner is not named in the FIR. It is further submitted that name of the petitioner has been transpired in this case as owner of the Tempo in question. From perusal of FIR itself, it appears that the said Tempo was given on rent to co-accused Lalu



Paswan and copy of owner book of the said Tempo is annexed with Annexure 2 of the bail petition. Petitioner is working in Astha Honda, situated at Saguna More, Patna and he has no knowledge that his tempo is being misused by the co-accused in carrying the illicit liquor. Petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Basically no incriminating article has been recovered from conscious possession of the petitioner. Petitioner bears criminal antecedent of one case, which is not similar to the present case and the petitioner is on bail in the said case. In the light of the facts and circumstances of the case no offence is made out against the petitioner under the provision of Bihar Prohibition and Excise Act.

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

6. Considering the facts and circumstances of the case, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory 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 Spl. Judge, Excise, IInd, Patna in connection with Pipra P.S. Case No. 48/2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. This application stands allowed.

(Alok Kumar Pandey, J)

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