

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11237 of 2024

Arising Out of PS. Case No.-149 Year-2023 Thana- Excise P.S. District- East Champaran

1. Mantu Tiwari S/o- Arun Tiwari @ Shri Arun Tiwari Village- Sihorwa Pandey Tola, Ward No. 06, P.S.- Sangrampur, District- East Champaran, Motihari
2. Ajay Prakash Tiwari son of Nityanand Tiwari @ Shri Nityanand Tiwari Village- Sihorwa Pandey Tola, Ward No. 06, P.S.- Sangrampur, District- East Champaran, Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Karandeep Kumar, Advocate
For the Opposite Party/s : Mr. Rajesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 23-02-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in Excise (Areraj) P.S. Case No.149 of 2023, instituted for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 155.520 liters liquor was recovered from the spot and the petitioners were arrested on the spot.

4. Learned counsel for the petitioners submits that the petitioner have falsely been implicated in the present case. Charge-sheet has been submitted in this case. The petitioners



have got no concern with the alleged recovery of liquor. The petitioner have been apprehended on account of refusal to put signature over the seizure list as witness. The petitioners are in custody since 08.11.2023, petitioner no. 1 has one criminal antecedent and petitioner no. 2 has got no criminal antecedent. There is no compliance of Section 100 of Cr.P.C.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioners.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioners, this Court is inclined to grant bail to the petitioners.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Excise (Areraj) P.S. Case No.149 of 2023.

(Rudra Prakash Mishra, J)

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