

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11863 of 2024**

Arising Out of PS. Case No.-13 Year-2024 Thana- BARAULI District- Gopalganj

Bhupendra Tiwari Son of Triguna Tiwari Resident of Village- Sarfara, Ps-
Barauli, Dist- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sailendra Kumar Dwivedi, Advocate

For the Opposite Party/s : Mr. Chaubey Jawahar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

- 2 23-02-2024 1. Learned counsel for the petitioner is permitted to make necessary correction in paragraph-9 of the present bail application during course of the day.
2. Heard learned counsel for the petitioner and learned APP for the State.
3. The petitioner seeks bail in connection with Barauli P.S. Case No. 13 of 2024 instituted for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act.
4. The prosecution case, in short, is that total 86.4 litres of illicit liquor was recovered from bamboo garden.
5. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. No incriminating article has been recovered from the conscious



possession of the petitioner rather the recovery has been made from the from an open place near the house of co-accused Sonu Tiwari. The petitioner has got no concern with the alleged recovery of liquor. The petitioner is in custody since 10.01.2024 and has no criminal antecedent. There is no compliance of Section 100 of the Cr.P.C.

6. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case, clean antecedent and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Barauli P.S. Case No. 13 of 2024.

(Rudra Prakash Mishra, J)

Alok Verma/-

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