

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37968 of 2024

Arising Out of PS. Case No.-166 Year-2024 Thana- Excise P.S. District- Siwan

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Dhiraj Tiwari son of Ravindra Nath Tiwari Village- Akhopur W.No-12, Ps-
Mahdeva Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravi Prakash Dwivedi, Advocate

For the Opposite Party/s : Mr.Ajay Kumar No. 2, APP

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

ORAL ORDER

- 2 22-05-2024 1. Heard learned counsel for the petitioner and
learned APP for the State.
2. The petitioner seeks bail in connection with Siwan
Excise P.S. Case No. 166 of 2024 instituted for the offences
punishable under Sections 30(a) of the Bihar Prohibition and
Excise Act.
3. The prosecution case, in short, is that total 82 litres
of illicit liquor was recovered from the hut situated outside the
house of the petitioner.
4. 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 hut which is situated outside the house of the petitioner and the same is accessible to local people. The petitioner has got no concern with the alleged recovery of liquor. The petitioner is in custody since 22.03.2024 and has one criminal antecedent but he is on bail in that case. There is no compliance of Section 100 of the Cr.P.C.

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

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

7. 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 Siwan Excise P.S. Case No. 166 of 2024.

(Rudra Prakash Mishra, J)

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