

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42556 of 2024

Arising Out of PS. Case No.-262 Year-2024 Thana- AHIYAPUR District- Muzaffarpur

1. Ganesh Tiwari, (M), aged about 67 years, son of Bharat Tiwari,
2. Shiwesh Kumar, (M), aged about 19 years, son of Ganesh Tiwari,
Both resident of village- Khanpur @ Baijnathpur, PS-Ahiyapur Dist-
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajiv Ranjan, Advocate

For the Opposite Party/s : Mr. Kanhiya Kishor, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 20-07-2024 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners apprehend arrest in connection with
Ahiyapur PS Case No.262 of 2024 dated 25.02.2024, instituted
under Sections 30(a), 33, 36, 41(i) of the Bihar Prohibition and
Excise Act, 2016

3. The allegation is of recovery of 8.250 litres of
foreign liquor from the house of Niwesh Kumar.

4. Learned counsel for the petitioners submits that the
petitioner is innocent and has been falsely implicated in this
case. It is also submitted that when the police raided the house
of co-accused, Niwesh Kumar, the police arrested him at the



spot and he disclosed the name of the petitioners and others. Learned counsel further submits that nothing has been recovered from the possessions of the petitioners. The house does not belong to the petitioners. The alleged recovery has been made from the house of Niwesh Kumar. The petitioners are the father and younger brother respectively of Niwesh Kumar. Lastly, it is submitted that the petitioners have clean antecedents.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Court, Excise-1, Muzaffarpur, in Ahiyapur PS Case No.262 of 2024, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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