

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50403 of 2024

Arising Out of PS. Case No.-296 Year-2024 Thana- Excise P.S. District- Siwan

Vishal Tiwari, Son of Rajesh Tiwari, Resident of Village - Kabirpur, P.S. -
Mairwa, District - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Shahi, Advocate
For the Opposite Party/s : Mrs. Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 24-07-2024 Heard learned Advocate for the petitioner and learned
Additional Public Prosecutor for the State.

2. This is an application for grant of bail to the petitioner, who is made accused and put behind the bars in connection with Siwan Excise P.S. Case No. 296 of 2024, registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016 (Amended 2022).

3. The police in course of regular checking of vehicle, intercepted a bolero vehicle, bearing registration no. BR29-H-8760. On search, total 345.600 litres of Indian made foreign liquor was recovered. The petitioner along with one Karan Kumar was apprehended.

4. Learned Advocate for the petitioner contended that the petitioner has neither any concern with the Bolero vehicle



nor with the illicit wine, which is allegedly recovered from the vehicle. It is contended that co-accused Karan Kumar happens to be a friend of the petitioner and on the alleged date of occurrence, the petitioner accompanied him without knowing the fact that illicit liquor was loaded in the vehicle. It is also the contention of the petitioner that there is various infirmities in the search and seizure. That apart, the petitioner is a man of fair antecedent and is in custody since 12.05.2024. Moreover, the investigation of the crime is complete and charge-sheet has been submitted.

5. On the other hand, learned APP for the State opposes the bail application and submits that the petitioner was caught red handed with the illicit liquor.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the investigation of the crime is complete and charge-sheet has been submitted, coupled with the fact that the petitioner has no concern with the Bolero vehicle, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge-II, Siwan in connection with Siwan Excise P.S. Case No. 296 of



2024, subject to the condition that one of the bailors shall be the own/close family members of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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