

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82963 of 2024

Arising Out of PS. Case No.-251 Year-2024 Thana- BHORE District- Gopalganj

Rajnish Tiwari @ Pintu Tiwari Son of Mundrika Tiwari @ Mundrika Tripathi
Resident of Village - Ramnath Dewariya Ward No. 19, P.S. - Kotwali, District
- Dewariya (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Md. Anzarul Haque Sahara, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 04-12-2024

Heard the parties.

2. The petitioner is in custody in connection with Bhore P.S. Case No. 251 of 2024 for the offence punishable under sections 317(5) of the Bharatiya Nyaya Sanhita and Section 30(a) of the Bihar Prohibition and Excise Act lodged on 13.10.2024 by the informant, Priya Ranjan Kumar.

3. As per the prosecution story, the informant alleged that on checking of the vehicle, a Toyota Innova vehicle broke the barricade, the police chased it and recovered/seized 315 liters of country-made liquor. This led to the FIR.

4. Learned counsel for the petitioner submits that he is the driver, not the owner, it was kept by Ravi Gupta (owner), he had no knowledge about it but has been implicated, has no criminal antecedent and is in custody since 14.10.2024 (paragraph-4 of the petition). The last submission is that without accepting the allegation and/or the outcome of the case, the petitioner on its own would like to contribute Rs. 10,000/- to Bhore Police Station,



Gopalganj for purchase of stationary/flower pots and 10,000/- to the District Consumer Forum, Gopalganj for putting up benches in its corridor through Demand Draft issued by the local branch of the State Bank of India.

5. Learned APP opposes the prayer for bail submitting that he broke the Police barricade, caught thereafter and the recovery/seizure was made.

6. Considering the submissions put forwarded by the parties as also that the petitioner has clean antecedent, is in custody since 14.10.2024 and the vehicle does not belong to him, this Court is inclined to extend him the privilege of bail with conditions subject to payment of Rs. 10,000/- to Bhore Police Station, Gopalganj for purchase of stationary/flower pots and Rs. 10,000/- to the District Consumer Forum, Gopalganj for putting up benches in its corridor through Demand Draft issued by the local branch of the State Bank of India and the receipts of the purchases shall be submitted by both the concerned Police Station as also the District Consumer Forum, Gopalganj to the learned Trial Court.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-XIII-cum-Special Judge Excise-I, Gopalganj in connection with Bhore P.S. Case No. 251 of 2024 subject to the following



conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Adnan/-

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