

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9019 of 2025

Arising Out of PS. Case No.-466 Year-2024 Thana- Excise P.S. District- Siwan

Mithilesh Tiwari S/O Late Motichand Tiwari R/O Village- Parmanandpur,
P.S- Darauli, Distt.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prasoon Kumar

For the Opposite Party/s : Mr. Aditya Narayan Singh.1

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 24-02-2025 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Excise Sadar Police Station Case No. 466 of 2024, dated 01.08.2024, disclosing offences under Sections 30(a) and 32(3) of the Bihar Prohibition and Excise Act.
3. The prosecution case, as per the First Information Report, is that the police during vehicle checking intercepted one Hero Honda Passion Pro motorcycle, bearing Registration No. BR29-S-2066, upon which two persons were riding, who were apprehended and on enquiry they disclosed their names as Ashutosh Kumar and Panchanand Tiwari. Upon search, the police recovered total 375 ml of foreign illicit liquor from the said motorcycle.



4. Learned counsel for the petitioner submits that the petitioner is aged about 64 years and he has falsely been implicated in the present case only because he happens to be the registered owner of the said motorcycle. He next submits that the motorcycle, from where illicit liquor has been recovered, was taken by the co-accused Panchanand Tiwari, who is son of the petitioner, without his consent and the petitioner had no knowledge about the illicit liquor being kept therein. The petitioner has got no criminal antecedent.
5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that the petitioner is a 64 years old person and happens to be the registered owner of the motorcycle, which was taken by the petitioner's son/co-accused Panchanand Tiwari without the consent of the petitioner, I am inclined to grant the petitioner privilege of anticipatory bail.
6. This application is, accordingly, allowed.
7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount



each to the satisfaction of learned Exclusive Special
Excise Court-2, Siwan, in connection with Excise Sadar
Police Station Case No. 466 of 2024, subject to the
condition laid down under Section 438 (2) of the Code of
Criminal Procedure.

(Anil Kumar Sinha, J)

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