

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12062 of 2025

Arising Out of PS. Case No.-236 Year-2021 Thana- NAUTAN District- Siwan

Ashok Tiwari Son of Late Jagarnath Tiwari Resident of Village- Kurmauta,
P.S.- Nautan, District- Siwan, present resident of Srinagar, P.S.- Maiwa,
District- Siwan (Bihar)

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 22-03-2025

Heard learned counsel for the parties.

2. The petitioner in this application prays for grant of anticipatory bail apprehending his arrest in connection with Nautan P.S. Case no. 236 of 2021 registered for the offence punishable under section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution case, on having received secret information about the accused persons coming on motorcycles, it is stated that checking was started. Seeking the police personnel the three accused persons on three motorcycles abandoned their motorcycles and managed to escape. On search, 113.4 litres, 62 litres and 54 litres of liquor was recovered from the three motorcycles.



4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case only for the reason that he happens to be the registered owner of one of the three motorcycles from which the alleged seizure is said to have taken place. It is further stated that much before the occurrence, the motorcycles in question of the petitioner had been stolen. The petitioner is innocent and has no criminal antecedent. He undertakes to cooperate in the investigation/trial.

5. The application for bail is opposed by learned APP for the State who submits that so far as the defence of the petitioner with respect to his motorcycle having been stolen before the occurrence is concerned, the same fails on the face of it. Referring to the FIR brought on record as Annexure-P/2 to the petition it is submitted that though the alleged theft of the motorcycles took place on 12.10.2021 it was much subsequent to the seizure of the liquor from the motorcycle of the petitioner on 23.10.2021 that the complaint with respect to the theft has been filed in the learned Court below on 18.2.2022 giving a lame excuse that the case was not being registered by the police and as such the delay in lodging of the complaint.

6. Having heard learned counsel for the parties and taking into consideration the allegations against the petitioner in



the F.I.R. relating to recovery of large quantity of liquor as stated in detail therein, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

7. The petitioner is directed to surrender in the learned Court below within a period of four weeks.

(Partha Sarthy, J)

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