

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31942 of 2025

Arising Out of PS. Case No.-280 Year-2024 Thana- SULTANGANJ District- Patna

Pashu Patinath Tiwari S/O Ganesh Tripathi Resident of Bhisham Deo Tiwary,
7C/8 South Indrapuri, Keshari Nagar, P.S.- Patliputra, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nikhilesh Kumar, Advocate
For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 19-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Sultanganj P.S. Case No. 280 of 2024 registered on 16.07.2024 for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, two persons riding a motorcycle tried to flee away on seeing the police party during patrolling. Both of them were apprehended and from the motorcycle, recovery of 5 litres of country made liquor was made. The name of the petitioner transpired during investigation as the owner of the vehicle from which recovery of illicit liquor was made.

4. Learned counsel appearing on behalf of the



petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from the person or possession of this petitioner. Except for suspicion there is nothing against the petitioner. The petitioner has been made accused in this case only because the fact that seized motorcycle belongs to him. Learned counsel further submits that the co-accused persons were acquaintance with the petitioner and the motorcycle was given to them by the petitioner for purchasing medicine. The petitioner has no concern with the seized liquor. Petitioner is having clean antecedent.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that no recovery has been shown from this petitioner and also considering the lack of substantive material against the petitioner coupled with his clean antecedent and possibility of false implication, let the petitioner named above, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand



Only) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise, Patna City/ court concerned in connection with Sultanganj P.S. Case No. 280 of 2024, subject to the condition laid down under section 482(2) of the B.N.S.S. and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

balmukund/-

U		T	
---	--	---	--

