

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.27543 of 2025**

Arising Out of PS. Case No.-576 Year-2024 Thana- HARSIDHI District- East Champaran

Santosh Tiwari, aged about 30 years (M), S/O Vidya Nand Tiwari, R/O  
Village- Chandrahiya, P.S- Harsidhi, Distt.- East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner : M/S. Abhishek Kumar and Hemant Ray, Advocates  
For the Opposite Party : Mr. Rajendra Prasad Nat, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH  
SINGH**

ORAL ORDER

2      26-06-2025                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

2. The petitioner seeks bail in connection with  
Harsidhi P.S. Case No. 576 of 2024 dated 27.10.2024 registered  
for the offence punishable under Section 30(a) of the Bihar  
Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution case, total 89.800 litres of  
illicit country made liquor and foreign liquor was recovered.  
Out of which, total 19.800 litres of foreign liquor was recovered  
adjacent the house of the petitioner and he managed to escape  
from the place of occurrence.

4. Learned counsel for the petitioner has submitted  
that the petitioner is innocent and has falsely been implicated in



this case. It is submitted that the petitioner was not arrested on the spot. His name has surfaced in the present case on the basis of disclosure made by the Mahal Chaukidar. No incriminating article has been recovered from the possession of the petitioner rather the alleged liquor was made behind the house of the petitioner in an abandoned condition. The petitioner has no concern with the alleged offence. There is no statutory compliance of Section 103(4)(6) of the B.N.S.S. The other co-accused person, namely, Amit Kumar, has already been granted bail by a Bench of this Court in Cr. Misc. No. 86451 of 2024 vide order dated 15.01.2025, annexed as Annexure-2 to the present bail petition. The petitioner has one criminal antecedent in which he is on bail as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 03.12.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court-1, Motihari, East Champaran in



connection with Harsidhi P.S. Case No. 576 of 2024.

7. The application stands allowed.

**(Chandra Prakash Singh, J)**

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