

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33429 of 2025

Arising Out of PS. Case No.-159 Year-2025 Thana- Excise P.S. District- Kaimur (Bhabua)

Ashish Kumar Tiwari, S/o Narayan Das Tiwari, Resident of Village-Hulka,
P.S.- Uchdih Bajar, Distt.- Allahabad, Uttar Pradesh

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Kiran Kumari Sharma, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 20-05-2025 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. The accused/petitioner is not named in the FIR

and apprehending his arrest in connection with Excise P.S.

Case No.159 of 2025 registered under Sections 30(a), 32 (i)

(iii) and 41(i)(ii) of the Bihar Prohibition and Excise

(Amendment) Act, 2016.

3. Allegation against the petitioner is to engage in

illegal trade/manufacturing of illicit liquor, where there is

recovery of 26.640 liters of IMFL/country-made liquor.

4. It is submitted by learned counsel for the

petitioner that as TVS Apache motorcycle of the petitioner



was parked near to place of recovery of illicit liquor, for the said reason he was implicated with present case being the owner of the motorcycle bearing Registration No.UP70CD-0174. It is submitted that in view of same, it can be safely gathered that recovery of illicit liquor was not made from conscious physical possession of this petitioner, who is a man of clean antecedent.

5. Learned APP opposed the prayer of anticipatory bail to the petitioner.

6. In view of aforesaid factual submissions and by taking of note of fact as recovery of illicit liquor *prima facie* not appears to be made from conscious physical possession of this petitioner, who is a man of clean antecedent, accordingly, the petitioner, above-named, in the event of his arrest or surrender in the court below within a period of four weeks from today, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise-II, Kaimur at Bhabhua in connection with Excise P.S. Case No.159 of 2025, subject to



the conditions as laid down under Section 438(2) of the
CrPC/under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J.)

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