

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69598 of 2025

Arising Out of PS. Case No.-174 Year-2025 Thana- DEWARIA District- Muzaffarpur

Kundan Tiwari S/o Nagendra Tiwari R/o Village- Narhar Sarai, P.S.- Karja,
District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Nandan, Advocate

For the Opposite Party/s : Mr. Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 25-09-2025 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Dewariya P.S. Case No. 174 of 2025 registered for the alleged offences Section 30(a) of the Bihar Prohibition & Excise Act, 2016.

03. As per prosecution case, police received secret information about co-accused persons bringing a huge consignment of illicit liquor. When the raid was being conducted, two Scorpio vehicles and a motorcycle were parked near the house of co-accused Md. Tahir. The petitioner was found sitting on one such vehicle. On search of the vehicles, recovery of 2347.785 liters of India made foreign liquor was made. A number of co-accused persons fled away from the spot.



04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner has been named in this case merely on suspicion and has no concern with the seized liquor or the seized vehicles. The petitioner was apprehended when he went to attend the call of nature. The petitioner is not the owner of any of the seized vehicles. The petitioner is a poor person who was brought on the spot by co-accused persons for loading some goods on the vehicles. The petitioner is having antecedent of one case of different nature and he is on bail in that case. The petitioner is in custody since 19.08.2025.

05. Learned APP for the State opposes the submission made on behalf of the petitioner.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the vague and doubtful nature of allegation and also considering the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge (Excise)-II, Muzaffarpur/court concerned in connection with Dewariya P.S. Case No. 174 of 2025, subject to the conditions mentioned in



Section 480(3) of BNSS and the following conditions:

- (i) One of the bailors will be the close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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