

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79708 of 2025

Arising Out of PS. Case No.-475 Year-2025 Thana- SUGAULI District- East Champaran

Jitendra Tiwari S/O Brahmdeo Tiwari @ Bratdev Tiwari R/O Vill.-
Kurumtola, P.S.- Sugauli, Dist.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Prakash Sharma, Advocate

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 11-12-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Sugauli
P.S. Case No. 475 of 2025 instituted for the offences punishable
under Section 40 of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that on 07.09.2025,
the police received a social-media video of a man allegedly
promoting consumption of liquor, and local inquiry identified
him as this petitioner.

4. Learned counsel for the petitioner submitted that the
petitioner is innocent and has been falsely implicated on the
basis of an unverified video, which may be morphed or
manipulated, especially when its origin cannot be limited to



Bihar due to the wide reach of social media. Learned counsel further submitted that the petitioner, being an active political figure and a candidate from Sugauli Vidhan Sabha, has been implicated and arrested due to a political conspiracy by rivals to prevent him from contesting the election freely and fairly. No incriminating article has been recovered from the conscious possession of the petitioner. It is further submitted that the petitioner has never promoted or encouraged consumption of liquor in Bihar, and the alleged video does not satisfy the essential ingredients of Section 40 of the Bihar Prohibition and Excise Act. The petitioner is in custody since 12.09.2025 and has seven criminal antecedents. There is no compliance of Section 103 of the Bharatiya Nagarika Suraksha Sanhita, 2023.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail, ***after framing of charge, if not already framed***, on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court



below/concerned Court in connection with Sugauli P.S. Case No. 475 of 2025, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(III) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(IV) Petitioner shall not leave the territorial jurisdiction of the learned court below without taking prior permission of the court concerned.

(V) If the petitioner is found involved in the similar nature of offence in future, the prosecution will be at liberty to move for cancellation of bail.

(Rudra Prakash Mishra, J)

Alok Verma/-

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