

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.3222 of 2025**

Arising Out of PS. Case No.-339 Year-2022 Thana- BODHGAYA District- Gaya

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Rahul Tiwari Son of Rajmuni Tiwari @ Rajmoon Tiwari Resident of  
Mohalla- Head Manpur, P.S.- Buniyadganj, Distt.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

|                            |   |                                                                             |
|----------------------------|---|-----------------------------------------------------------------------------|
| For the Petitioner/s       | : | Mr. Sharda Nand Mishra, Adv.<br>Mr. Deepak Kr, Adv.<br>Mr. B.K. Mehta, Adv. |
| For the Opposite Party/s : |   | Mr. Ajay Kr. No. 2, APP                                                     |

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**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL ORDER**

2      28-01-2025                      Heard Learned Counsel for the petitioner and  
  
Learned A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Bodhgaya P.S. Case No. 339 of 2022, lodged on 13.06.2022 under Sections 467, 468, 470 & 120(B) of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution, total recovery of 4077 litres of illicit liquor has been made from the godown hotel, where four accused persons were apprehended by the police, excluding the present petitioner.

4. Learned Counsel for the petitioner submits that



the petitioner is innocent and has committed no offence. Counsel further submits that the nothing has been recovered from the possession of the petitioner, nor was he apprehended. Counsel submits that the petitioner's name has been disclosed by the apprehended person. Counsel further submits that the criminal antecedent of the petitioner is not clean, there is one criminal case pending against him in which he is on bail. He is in custody since 11.11.2024. Counsel further submits that vide Annexure-2, some of the accused persons who were apprehended have been granted anticipatory bail in this case vide orders dated 10.05.2023 and 21.06.2023 passed in Cr. Misc. Nos. 17823 of 2023 and 34771 of 2023 respectively.

5. Learned Counsel for the State opposes the prayer for bail and submits that huge quantity of wine has been recovered in this case.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail, **after framing of charge, if not framed**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of Exclusive Special Excise Court No. 1, Gaya in connection with Bodhgaya P.S. Case No. 339 of



2022, subject to the following conditions as laid down under  
Section 437(3) of Cr.P.C. as well as the petitioner shall  
deposit Rs. 50,000 ( Fifty Thousand) in the Court subject to  
decision of the trial.

**(Dr. Anshuman, J)**

Aman Kumar/-

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