

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18164 of 2026

Arising Out of PS. Case No.-832 Year-2025 Thana- Excise P.S. District- Gopalganj

Kamlesh Tiwari, aged about 42 years, Male, son of Devendra Tiwari, resident of Village- Basudeopur Sarai, P.S- Sahebganj, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Mukesh Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 13-05-2026 Heard Mr. Manoj Kumar, learned counsel appearing on behalf of the petitioner and Mr. Mukesh Kumar Singh, learned APP for the State.

2. Petitioner seeks regular bail in connection with Excise P.S. Case No. 832 of 2025 registered for offences punishable under Section 30(a) and 32 of the Bihar Prohibition and Excise Act as amended up-to-date.

3. Allegation is of recovery of 216 litres of illicit liquor from a Tractor bearing Chassis No. WQTB35-605073235 and Engine No. 391348SNB02150, which was allegedly being driven by the petitioner.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner is innocent and he has falsely been implicated in the present case. Petitioner is not the owner



of the said tractor, rather, he is the driver of the said tractor and he had no knowledge that illicit liquor has been kept in the trolley of the said tractor. Petitioner has clean antecedent and he is in custody since 15.12.2025. On these grounds, petitioner seeks to be released on pre-arrest bail.

5. Learned A.P.P., for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the period of custody undergone by the petitioner, who is in custody since 15.12.2025 and the failure on the part of the State Government to implement prohibition of liquor in the State in its true spirit resulting into clogging of several criminal cases before this Court, as well as, filling up of jail, no purpose will be served if the petitioner remains in custody. I am of the opinion that petitioner has *prima facie* made out a case to be released on bail.

7. The learned District Court is directed to release the petitioner, above named, on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned District & Additional Sessions Judge- IV cum Exclusive Special Excise Court-II, Gopalganj in connection with Excise P.S. Case No. 832 of 2025 subject to the following conditions:



(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

(v) The learned District Court is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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