

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28085 of 2026

Arising Out of PS. Case No.-71 Year-2024 Thana- HISUWA District- Nawada

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Tinku @ Moti Prasad Tamoli @ Tinku Kumar @ Moti Son of Late Bhagwan Das Tamoli Resident of Village - Barki Gulani, Police Station - Dhamaul, District - Nawada. At Present Mohalla - Barham Pichash, Police Station - Hisua, District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Nityanand, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 27-04-2026 Heard Mr.Birendra Kumar,learned counsel for the
petitioner and Mr.Nityanand, learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since 26.03.2026 in connection with Hisua P.S. Case No. 71 of 2024, F.I.R. dated 01.02.2024 registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act.

3. Recovery is of 6.48 litre foreign liquor and 12 litre beer.

4. Learned counsel appearing for the petitioner submits that it appears from the FIR as well as the seizure list that altogether 6.48 litre foreign liquor and 12 litre beer was recovered from the west side of house of co-accused, Shanti Devi and the petitioner has been made accused in the present



case merely on the ground that the petitioner is elder brother of co-accused person, namely, Sanjay Prasad Tamoli @ Sanjay Tamoli and said co-accused person, namely, Sanjay Prasad Tamoli @ Sanjay Tamoli has been granted bail by a Coordinate Bench of this Hon'ble Court vide order dated 06.03.2024 passed in Cr. Misc. No.16567 of 2024. It appears that nothing has been recovered from conscious possession of the petitioner and petitioner has been made accused in the present case merely on the basis of suspicion and the petitioner is in custody since 26.03.2026.

5. Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries four more cases other than the present one of similar nature but he fairly submits that out of four cases, the petitioner is on bail in three cases, and rest one case is pending for consideration before the competent court of law, as mentioned in para-3 of the bail petition.

6. Considering the aforesaid fact, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge-1st, Nawada in connection with Hisua P.S. Case No. 71



of 2024,with the following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) 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.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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