

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29494 of 2026

Arising Out of PS. Case No.-108 Year-2026 Thana- RAJPUR District- Buxar

Mantosh Tiwari S/O Late Lalan Tiwari Resident of Village- Khiri, Police Station- Rajpur, District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Rai Sharma, Advocate

For the Opposite Party/s : Ms. Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-05-2026 Heard Mr. Manish Rai Sharma, learned counsel for the petitioner and Ms. Anita Kumari, learned Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 25.03.2026 in connection with Rajpur P.S. Case No. 108 of 2026, F.I.R. dated 25.03.2026 for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

3. Recovery is of 136.22 liters of liquor.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure list that nothing has been recovered from the conscious possession of the petitioner rather the recovery has been made from motorcycle in question. As per allegation in the



FIR 69.1 litre of liquor has been recovered from the motorcycle of co-accused and 48.3 liter of liquor has been recovered from the motorcycle of the petitioner. He further submits that seizure list witnesses are police personnel and there is non-compliance of Section 103 and 105 of BNSS and the petitioner is in custody since 25.03.2026.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that petitioner carries five criminal antecedents other than the present one but fairly submits on the basis of paragraph-3 of the bail application that the petitioner is on bail in the said matters.

6. Considering the aforesaid facts and circumstances, 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 the learned Exclusive Excise Special Court No.1, Buxar in connection with Rajpur P.S. Case No. 108 of 2026, subject to 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 absence on two consecutive dates without sufficient



reason, his 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)

Suruchi/-

U		T	
---	--	---	--

