

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.3289 of 2019

Arising Out of PS. Case No.-289 Year-2018 Thana- BAIKUNTHPUR District- Gopalganj

1. Tunna Singh, Son of Balkishor Singh @ Lalu Singh Resident of Village- Marwa, Police Station- Baikunthpur, District- Gopalganj.
2. Munna Singh, Son of Brijmohan Singh Resident of Village- Hemuchhapra, Police Station- Baikunthpur, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Kumar Singh

For the Opposite Party/s : Mr.Arbind Kumar Pandey (App 84)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 24-01-2019 At the outset, learned counsel for the petitioners submits that Tunna Singh, petitioner no.1, has already been arrested.

Accordingly, the prayer for anticipatory bail on behalf of Tunna Singh, petitioner no.1 is rejected as having become infructuous.

Heard both sides.

Petitioner no.2, Munna Singh apprehends his arrest in connection with Baikunthpur P.S. Case No.289 of 2018, registered under Sections 272 and 273 of the Indian Penal Code and under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The informant alleged that he got information that somebody have assembled near the house of Pankaj Pandey with liquor. On such a raid was conducted. Pankaj Pandey was arrested but four persons managed to flee away. From a hut situated near



the house of Pankaj Pandey, 81 liters of Indian made foreign liquor was recovered. Pankaj Pandey disclosed the name of the petitioners who managed to flee away.

Learned counsel for the petitioners submits that nothing has been recovered from possession of the petitioner. The hut from where liquor was recovered does not belong to the petitioners.

Considering the facts aforesaid and the fact that the name of the petitioners figured in the case in the so called confessional statement of Pankaj Pandey although nothing has been recovered from possession of the petitioners, let petitioner no.2, namely, Munna Singh, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt of this order be enlarged 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 Additional District & Sessions Judge-II-cum-Special Judge, Gopalganj in connection with Baikunthpur P.S. Case No.289 of 2018, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Prabhat Kumar Jha, J)

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