

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10627 of 2019

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

TUNNA SINGH, Son of Balkishor Singh @ Lalu Singh, Resident of Village
– Marwa, P.S.- Baikunthpur, District - Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Singh, Adv.

For the Opposite Party/s : Mr. Ahmad Ali, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 22-02-2019 Heard leaned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 01.01.2019 in a case registered for the offence punishable under Sections 272 and 273 of the I.P.C. and under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case as per the written report of Indrabhushan Kumar, A.S.I. of Baikunthpur P.S. submitted to the S.H.O., Baikunthpur P.S. is to the effect that on 15.11.2018 at about 10.00 P.M., the informant along with other police officers received a secret information that near the house of co-accused, Pankaj Pandey, some people are indulging in illegal trading of illicit liquor. Whereupon, the informant reached at the spot, and on seeing the police party five persons tried to escape



from the scene, when co-accused, Pankaj Pandey was apprehended from the spot who disclosed the name of other co-accused persons who managed to escape from the scene as Rajeshwar Prasad, Binod Rai, Munna Singh and Tunna Singh (the petitioner). It is further alleged that 80.175 litres of India made foreign liquor were recovered from the hutment adjacent to the house of the co-accused, Pankaj Pandey.

It is submitted by learned counsel from the petitioner that recovery has not been made from the conscious physical possession of the petitioner. It is further submitted that similarly situated co-accused Pankaj Pandey has been granted privilege of regular bail by a co-ordinate bench of this Court, vide order dated 10.01.2019, passed in Cr. Misc. No. 78280 of 2019. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the name of the petitioner sprang up on the confessional statement of the apprehended co-accused, Pankaj Pandey.

Considering the fact that the accusation does not suggest any recovery made from the conscious physical possession of the petitioner, coupled with the statement made in paragraph no.3 of the petition that the petitioner is not having



any criminal antecedent, let the above named petitioner 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 **Additional District and Sessions Judge-II-cum-Special Judge, Excise, Gopalganj** in connection with **Baikunthpur P.S. Case No.289 of 2018.**

(Dinesh Kumar Singh, J)

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