

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7134 of 2020

Arising Out of PS. Case No.-706 Year-2016 Thana- NAWADA District- Nawada

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TUNNI KUMAR, S/o Anil Singh, R/o village- Jamuawan, P.S.- Kadirganj
(Nawada), 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.Santanu Kumar

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 14-05-2020 Heard learned counsel for the petitioner and State.

The petitioner is in custody in connection with Nawada Town (Bundelkhand O.P.) P.S. Case No. 706 of 2016 for the offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

In the instant case total 828 litres of country made liquor was seized.

It is alleged that seeing the police personnel, two persons fled away.

Learned counsel for the petitioner submits that the petitioner has got no criminal antecedent and he is in custody since 25.10.2019. He further submits that in this case, the owner of the vehicle, namely, Shailendra Kumar, has been granted bail vide order dated 13.07.2017 passed in Cr. Misc. No. 21660 of



2017 and other co-accused, namely, Bittu Kumar, has also been granted bail vide order dated 08.06.2017 passed in Cr. Misc. No. 23612 of 2017. He further submits that the petitioner has gone to Delhi in connection with his livelihood and he was not aware of the present case. He further submits that when he returned back to his native place, he came to know about the present case and immediately thereafter surrendered on 25.10.2019. He also submits that the police has already submitted charge-sheet.

In the peculiar facts and circumstance, he submits that the petitioner deserves bail.

Counsel for the State submits that there is seizure of 828 litres of liquor and the petitioner has surrendered approximately 3 years after the incident. However, he does not dispute the fact that two co-accused have been granted bail, one by a Co-ordinate Bench of this Court and one by this Court.

Considering the fact that the petitioner has got no criminal antecedent and other co-accused have been granted bail, one by a Co-ordinate Bench of this Court and one by this Court, the petitioner, named above, is directed to be released on his personal bond, due to the circumstance of total lock down on account of pandemic Covid-19, to the satisfaction of Additional Sessions Judge-II-cum- Special Judge, Excise Act, Nawada in



connection with Nawada Town (Bundelkhand O.P.) P.S. Case
No. 706 of 2016.

(Anil Kumar Upadhyay, J)

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