

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9900 of 2020

Arising Out of PS. Case No.-395 Year-2018 Thana- BIHTA District- Patna

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TUNTUN YADAV Son of Ram Ayodhya Yadav @ Ram Ayodhya Prasad
R/O- Taregana, Bindual, P.S.- Bihta, District- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Samir Kumar

For the Opposite Party/s : Mr.Khurshid Anwar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 03-03-2020 Heard learned counsels for the parties.

The petitioner is apprehending arrest in a case registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016 as amended by Amendment Act 8 of 2018.

The prosecution case as per the the written report of SI Ranjit Kumar Singh submitted to the Additional District and Sessions Judge-cum-Special Judge, Excise is to the effect that on 18.4.2018 an information was received that near Sone river, co-accused Shiv Jatan Yadav, Kunj Bihari, Om Prakash Yadav, Santosh yadav, Bhakur Choudhary, Baudh Choudhary, Khusi Lal Yadav, Ram Sahay Choudhary and the petitioner Tuntun Yadav are manufacturing Mahua liquor. Consequently, a raid was laid



on the embankment of the river and Mahua liquor was recovered.

It is submitted by learned counsel for the petitioner that the place of seizure does not belong to the petitioner and seizure has been made from an open area. Moreover, co-accused Shiv Jatan Yadav has been granted bail vide order dated 17.7.2019 passed in Cr. Misc. No. 26859 of 2019 and co-accused Om Prakash Yadav has been granted bail vide order dated 18.4.2019 passed in Cr. Misc. No. 24980 of 2019 by Co-ordinate Benches of this Court.

Learned APP submits that the petitioner escaped from the place of seizure.

Considering the fact that the recovery has been made from an open area and statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Patna in connection with Bihta P.S. Case No.395 of 2018 subject to the conditions laid down in



Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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