

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3282 of 2023**

Arising Out of PS. Case No.-315 Year-2022 Thana- KHAGARIA District- Khagaria

TUNTUN KUMAR @ TUNNA KUMAR @ SHIVA KUMAR @ TUNA
KUMAR S/o Prakash Mahto R/v- Bhadas, P.S.- Muffasil, District- Khagaria

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Choudhary

For the Opposite Party/s : Mr.Md. Nazir Ansari

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

2 03-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for bail in a case registered
for the offence punishable under section 30(a) of the Bihar
Prohibition and Excise Act.

Prosecution case relates to recovery of total 5139
litres of IMFL from one truck and two pickup van.

Learned counsel appearing on behalf of the petitioner
has submitted that petitioner is innocent and has committed no
offence. He has no concern with the alleged recovery or with the
vehicle in question. During investigation, name of the petitioner
has been disclosed in this case by the apprehended co-accused
before the police, which has got no evidentiary value in the eye
of law. Neither the petitioner was arrested on spot nor any



incriminating article has been recovered from his conscious possession. He is languishing in judicial custody since 6.11.2022.

Learned APP appearing for the State has opposed the prayer of Bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Judge 1st Khagaria in connection with Khagaria (Muffasil) P.S. Case No. 315 of 2022.

(Sunil Kumar Panwar, J)

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