

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7132 of 2023

Arising Out of PS. Case No.-531 Year-2022 Thana- CHAPRA MUFFASIL District- Saran

TUNTUN KUMAR SINGH Son of Chandrama Singh R/V- Bangra Rashid
Pur, P.S- Garkha, Dist- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Manoj Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 13-04-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 323, 325, 353, 34 of the Indian Penal Code and under Sections 30 (a), 45 of the Bihar Prohibition and Excise Act, 2016.

Altogether, 63 litres illicit liquor has been recovered from motorcycle of the petitioner. No person was apprehended on the spot by the police.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No incriminating article has been recovered from the conscious physical possession of the petitioner rather illicit liquor is said to have been recovered from motorcycle which he gave to one



Satendra Mahto, who is co-villager of the petitioner. It is clear from para 7 of the petition that the petitioner gave his motorcycle to co-accused Satendra Mahto for bringing medicine from the market for his ill father. Petitioner has no concern either with the seized liquor or the place of recovery or any trade of liquor. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He has been made accused in this case because he is the owner of the seized motorcycle. Petitioner was not apprehended on the spot. He had not consumed liquor. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

Petitioner is agreed to deposit a sum of Rs.20,000.00 (Rupees Twenty Thousand) in account of Bihar State Bar Council Welfare Fund, bearing Account No. 31861041899, IFSC Code: SBIN0010340, State Bank of India, High Court Campus, Patna.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court



below where the case is pending/successor Court in connection with Chapra Muffasil P.S. Case No. 531 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, subject to the further conditions that

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of the aforesaid amount in Bihar State Bar Council Welfare Fund.

(Anjani Kumar Sharan, J)

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