

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45745 of 2023

Arising Out of PS. Case No.-166 Year-2023 Thana- BAKHTIYARPUR District- Patna

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TUNTUN YADAV @ TUINTUN KUMAR Son of Hare Kishun Ray @
Harikishor Ray Resident of Nayatola Raghapur, Ward No. 26, P.S.-
Bakhtiyarpur, District-Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Niranjan Pd. Singh, Advocate

For the Opposite Party/s : Mr. Umanath Mishra, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in connection with Bakhtiyarpur P.S. Case No. 166 of 2023 for the offence registered under section 30(a) of the Bihar Prohibition and Excise Act lodged on 27.04.2023 by the informant, Krishnanandan Singh.

As per the prosecution story, the police upon information intercepted a motorcycle and apprehended two accused persons and further recovered/seized 71 litres of wine. Accordingly, the FIR.

The name of the petitioner has been given by the arrested persons stating that they used to work for the petitioner



herein.

It is the case of the petitioner that he had no role to play in the matter and he has lend the motorcycle to Prince Kumar, who has falsely implicated him.

Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail.

Considering the fact that the allegation is of carrying liquor is on Prince Kumar, on his confession, the name of the petitioner has come, this Court is inclined to extend him privilege of anticipatory bail.

Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Spl. Judge, Excise, Barh in connection with Bakhtiyarpur P.S. Case No. 166 of 2023 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date



before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the anticipatory bail application stands allowed.

(Rajiv Roy, J)

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