

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69909 of 2024

Arising Out of PS. Case No.-291 Year-2023 Thana- SIDHWALIYA District- Gopalganj

Tuntan Das @ Tuntun Das, Male, aged about 33 years, Son of Kishun Dev Das, Resident of Village- Salempur, P.S- Sidhwaliya, District- Gopalganj.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Lokesh Kumar Singh, Advocate
For the Opposite Party : Mr. Dr. Kumar Uday Pratap, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 11-12-2024 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Sidhwaliya P.S. Case No. 291 of 2023 dated 27.09.2023 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution case, total 27.720 litres of illicit liquor was recovered from two motorcycles in question.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is further submitted that the petitioner has no concern with the alleged offence. He was not present on the



alleged date and time of occurrence. His name has come in the present case on the basis of disclosure made by the local villagers. He is not the owner of the seized motorcycles. The recovery was made from the open place. The motorcycles in question does not belong to the petitioner. There is no compliance of Section 100 of the Cr.P.C. It is further submitted that the other co-accused persons Satendra Mahto and Rajan Sahani @ Rajan Sharma @ Rajan Kumar have already been granted anticipatory bail by a Bench of this Court vide Cr. Misc. No. 84233 of 2023 under order dated 22.01.2024. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-XIII-cum-Special Judge, Excise Court No.-I, Gopalganj in connection with Sidhwaliya P.S. Case No. 291 of 2023,



subject to the condition as laid down under Section 438(2) of
the Code of Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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