

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6344 of 2025

Arising Out of PS. Case No.-146 Year-2024 Thana- CHANDI District- Bhojpur

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Tunnu Kumar S/O Sunil Choudhary R/O Vill.- Dharahara, P.S.- Ara Nagar,
Dist.- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shiv Prasad Gupta, Advocate
For the Opposite Party/s : Mr. Manoj Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 19-03-2025 Heard the parties.

2. The petitioner is in custody in connection with Chandi P.S. Case No. 146 of 2024 for the offence punishable under sections 30(a) of the Bihar Prohibition and Excise Act, 2018 lodged on 07.09.2024 by the informant, Ram Virendra Thakur.

3. As per the prosecution story, the informant alleged that while patrolling and upon secret information, a tempo was intercepted and there is recovery/seizure of 450 liters of country made *mahua*. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that the tempo does not belong to him, being a passenger, he had no knowledge about the presence of Mahua in the auto. Further, he



do not have criminal antecedent and the last submission is that Muhammad Guddu, the driver of the said vehicle has been granted relief in Cr. Misc. No. 76761 of 2024 vide an order dated 29.10.2024.

4. Learned APP opposes the prayer for bail submitting that on secret information, the tempo was intercepted and *mahua* recovered/seized.

5. Taking into account the aforesaid facts as also that he does not own the auto rather was a passenger, nothing has been recovered from his conscious possession, is in custody since 08.09.2024 and one of the co-accused has been granted bail, as stated above, in that background, this Court is inclined to extend him the privilege of bail with conditions.

6. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Court of Exclusive Special Excise Judge-I, Bhojpur, Ara in connection with Chandi P.S. Case No. 146 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her 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 fortnight for six months to mark his 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 his bail bonds.

(Rajiv Roy, J)

Adnan/-

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