

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11366 of 2025

Arising Out of PS. Case No.-178 Year-2024 Thana- NAYAGAON District- Saran

=====

Tuktuk Rai @ Tuktuk Kumar @ Tutu Kumar S/O Mahesh Ray R/O Vill-
Bariyarchak, P.S. - Nayagaon, Distric- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Advocate

For the Opposite Party/s : Mr. Kanhiya Kishor, APP

=====

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 21-02-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Nayagaon PS Case No. 178 of 2024 instituted for the
offences under Section 30(a) of the Bihar Prohibition and
Excise Act Earlier *vide* order dated 17.01.2025 passed in
Cr. Misc. No. 87239 of 2024 anticipatory bail of the
petitioner was rejected.

3. The prosecution case, in short, is that total 155
litres of illicit country made liquor was recovered from the
bank of river.

4. Learned counsel for the petitioner submits that
the petitioner is innocent and has falsely been implicated in



the present case. No incriminating material has been recovered from the conscious possession of the petitioner. The petitioner has got no concern with the alleged recovery of liquor. It is submitted that recovery is made from an open place, which is accessible to one and all. It is further submitted that the name of the petitioner has transpired on the basis of statement of crowd. The petitioner is in custody since 25.01.2025 and has got three criminal antecedents in which he is on bail. There is no compliance of Section 103 of B.N.S.S. Other co-accused has been granted anticipatory bail by this Court *vide* order dated 17.01.2025 passed in Cr. Misc. No. 87239 of 2024.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of



Court below/concerned Court in connection with Nayagaon
PS Case No. 178 of 2024.

(Rudra Prakash Mishra, J)

Raj Ranjan/-

U		T	
---	--	---	--

