

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37331 of 2025

Arising Out of PS. Case No.-110 Year-2024 Thana- SRIPUR District- Gopalganj

Tuntun Yadav S/O Rajendra Yadav R/O village- Kukughati, P.S.- Khampar,
District- Deoria, UP

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarfraz Ahmad, Advocate

For the Opposite Party/s : Mr. Anant Kumar 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 18-06-2025

Heard the parties.

2. The petitioner is apprehending his arrest in connection with Sripur P.S. Case No. 110 of 2024 for the offence under section 30(a) of the Bihar Prohibition and Excise Act lodged on 01.07.2024 by the informant, Pappu Kumar.

3. As per the prosecution story, the informant alleged that on secret information, they tried to intercept two motorcycles and a Scorpio car. Though the accused tried to escape, in the process, it hit the Police Bolero Car causing damage to both the vehicles. The accused thereafter managed to escape. Upon search, there is recovery/seizure of altogether 538.920 liters of foreign liquor. The locals gave the name of those escaped as Ranjan Yadav and Vikas Kumar Singh about those riding the motorcycles. The name cropped up as Sandeep



Yadav, Bittu Kumar , Tuntun Yadav and Ritik Yadav. Later, the antisocial elements assembled there and tried to assault the Policemen also. This led to the FIR.

4. Learned counsel for the petitioner submits that the Scorpio car, from which, recovery has been made does not belong to him, the locals due to enmity has named him as a liner, has no role to play and he has no criminal antecedent. The last submission is that without accepting the allegation and/or the outcome of the present case, the petitioner intends to contribute Rs. 20,000/- to the District Legal Services Authority, Gopalganj for beautification/for the purchase of sanitary vending machine (if unavailable)/for the purchase of journals (PLJR/SCC/BLJ/Bare Acts] in the Civil Court Campus of Gopalganj Judgeship through Demand Draft issued by the local branch of the State Bank of India.

5. Learned APP opposes the prayer submitting that he was serving as a liner as alleged.

6. Taking into account the submissions of the parties as also that he has no criminal antecedent, recovery/seizure is from the Scorpio and it has been categorically stated that he is not the owner of the said vehicle, in that background, this Court is inclined to extend him the privilege of anticipatory bail with



conditions subject to payment of Rs. 20,000/- to the District Legal Services Authority, Gopalganj for beautification/for the purchase of sanitary vending machine (if unavailable)/for the purchase of journals (PLJR/SCC/BLJ/Bare Acts] in the Civil Court Campus of Gopalganj Judgeship through Demand Draft issued by the local branch of the State Bank of India and the receipt of the expenditure shall be submitted to the trial Court by the DLSA, Gopalganj.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional District & Sessions Judge- XIII, Spl. Excise Court No. 1, Gopalganj in connection with Sripur P.S. Case No. 110 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(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 next 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.

8. A copy of the order be sent to the Principal District and Sessions Judge, Gopalganj for his/her perusal and needful.

(Rajiv Roy, J)

Adnan/-

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