

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8754 of 2026

Arising Out of PS. Case No.-658 Year-2025 Thana- KATEYA District- Gopalganj

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Tunna Singh @ Tunna Kumar @ Tunnu Kumar S/o Kanhaiya Singh R/o
Village - Bhagwanpur, Kurmtola, P.S - Gopalpur, District - Gopalganj

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Vyas Kumar Mishra, Adv.
For the State : Mr. Ashok Kumar Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 18-02-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Kateya P.S. Case No. 658 of 2025 registered for the offences punishable under Sections 30(a), 41(1) of Bihar Prohibition and Excise Amendment Act, 2022.

3. As per prosecution case, there is alleged recovery of 90 litre illicit liquor from motorcycle in question and local chowkidar and villagers disclosed the name of petitioner and other, who fled away from the spot.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR. Petitioner bears criminal antecedent of one case. Learned counsel orally submits that petitioner is on bail in the



said case. He further submits that nothing has been recovered from conscious possession of the petitioner. Petitioner is not owner of the motorcycle in question. Petitioner was not found at the place of occurrence. Petitioner has no concern with the seized liquor. Seizure list has not been made as per law. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provisions of Bihar Prohibition and Excise Act.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that petitioner is named in the FIR and hence, petitioner cannot escape from the allegation made in the FIR.

6. Considering the facts and circumstances of the case, petitioner is not owner of the motorcycle in question, petitioner was not found at the place of occurrence, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned District and



Additional Sessions Judge-XIII-cum- Special Excise Court No.
1, Gopalganj in connection with Kateya P.S. Case No. 658 of
2025, subject to the conditions as laid down under Section
482(2) of the B.N.S.S.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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