

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6984 of 2022

Arising Out of PS. Case No.-535 Year-2021 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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SUNNY KUMAR @ SANNY KUMAR S/o- RAJESH CHOUDHARY
Resident of Village- Machaha, Ward No.4, P.S.- Muffasil (Singhaul O.P.),
District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arjun Prasad

For the Opposite Party/s : Mr.Renu Kumari

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 23-06-2022 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner seeks bail in connection with

Begusarai Muffasil (Singhaul O.P.) P.S. Case No. 535 of 2021

registered for the offences punishable under Section 120(B) of

the Indian Penal Code and 30(a) of Bihar Prohibition Excise

Act, 2018.

As per prosecution case, there is alleged recovery

of 43.02 litre Indian made foreign liquor from field of Anand

Kumar. It is further alleged that seeing the police team three

persons started fleeing from there but one of them was arrested

who disclosed his name as Babloo Kumar. The name of petitioner and co-accused Shyam Kumar surfaced in this case on the disclosure made by apprehended accused Babloo Kumar.

Learned counsel for the petitioner submits that petitioner is in custody since 05.11.2021 and petitioner bears no criminal antecedent. He further submits that petitioner is innocent and has committed no offence and he has falsely been implicated in this case. No incriminating article has been recovered from physical or conscious possession of the petitioner. Charge sheet has already been submitted in the case and there is no likelihood of tampering the prosecution evidence. He is not apprehended on spot.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted and keeping in view clean antecedent of petitioner, he is not apprehended on spot and also taking into consideration the material available on record, let the petitioner above named be released on 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 Exclusive Excise Judge-1, Begusarai, in

connection with Begusarai Muffasil (Singhaul O.P.) P.S. Case No. 535 of 2021, subject to following conditions:-

(i) One of the bailor shall be either father or mother or sister or brother or wife or the person who sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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