

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31560 of 2022

Arising Out of PS. Case No.-106 Year-2020 Thana- CHAKAI District- Jamui

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SUNNY KUMAR @ SUNNY KASERA @SUNNY TASERA Son of Late
Saroj Prasad Kasera Resident of Bhukhar Mohalla, P.S. and District-Jamui.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Satya Prakash Parasar

For the Opposite Party/s : Mr.A.G

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 10-08-2022 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 Chakai
P.S. Case No. 106 of 2020 registered for the offences punishable
under Sections 272 and 273 of the Indian Penal Code and
Section 30(a) and 41 of the Bihar Prohibition and Excise
Amendment Act, 2018.

As per prosecution case, there is alleged recovery of
total 32.625 liters foreign liquor from the tempo in question.
Petitioner has not been apprehended on spot. The name of the
petitioner has been disclosed on the confessional statement of
the co-accused Krishna Pandit.



Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner. The petitioner is languishing in custody since 22.04.2022 and bears criminal antecedent of four cases of similar nature. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. It has been further submitted that petitioner was not apprehended on spot and further added that he is neither owner nor the driver of the seized tempo in question.

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

Considering the facts and circumstances of the case, period of custody, petitioner was not apprehended on the spot, charge sheet has already been submitted and also taking into consideration that petitioner was not apprehended on spot and the material available on record, let the petitioner above named be released on bail, **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-IV-cum-Special Judge, Excise, Jamui in connection with Chakai P.S. Case No. 106 of 2020,



subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has 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 without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers 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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