

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.38214 of 2022**

Arising Out of PS. Case No.-55 Year-2022 Thana- BALTHAR District- West Champaran

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SANDESH KUMAR S/O KAILASH MUKHIYA Resident of Basantpur, P.S.-  
Sathi, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Bimlesh Kumar Pandey

For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem

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**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY  
ORAL ORDER**

2      18-08-2022                      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  
  
Balthar P.S. Case No. 55 of 2022 registered for the offences  
  
punishable under Section 30(a) of the Bihar Prohibition and  
  
Excise Act, 2016.

As per prosecution case, there is alleged recovery  
  
of 80 litre country made liquor from possession of the petitioner  
  
and he was apprehended on the spot.

Learned counsel for the petitioner submits that  
  
petitioner is in custody since 12.05.2022 and bears criminal  
  
antecedent of two cases of similar nature in which he is on bail.



Learned counsel specifically submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that petitioner has falsely been implicated in this case due to police mechanism. No incriminating article has been recovered from conscious possession of the petitioner.

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 in the case and there is no likelihood of tampering with the prosecution evidence, as submitted and also taking into consideration 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 Exclusive Special Judge, Excise, West Champaran in connection with Balthar P.S. Case No. 55 of 2022, 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)**

shahzad/-

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