

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39943 of 2022

Arising Out of PS. Case No.-57 Year-2021 Thana- MALAYPUR District- Jamui

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SUNNY KASHESHRA @ SUNNY KASHERA @ SUNNY KUMAR S/o
Sanjay Kashera R/o Mohalla- Bhukhar, P.S.- Jamui, District- Jamui

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dipak Kumar

For the Opposite Party/s : Mr.Anand Mohan Prasad Mehta

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-08-2022 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
Malaypur P.S. Case No. 57 of 2021, G.R. No. 1043/2021
registered for the offences punishable under Sections 272, 273,
34 of the I.P.C. and Sections 30(a), 36, 41(1) of the Bihar
Prohibition and Excise Amendment Act, 2018.

As per prosecution case, there is alleged recovery
of 2160 litre illicit foreign liquor from the truck in question.

Learned counsel for the petitioner submits that
petitioner is not named in the FIR and during course of
investigation, name of petitioner sprang up in this case on the



confessional statement of co-accused Vikash Kumar Modi. Petitioner is in custody since 23.05.2022 and bears criminal antecedent of five cases of similar nature. 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 nothing has been recovered from conscious possession of the petitioner. Petitioner is neither owner nor remotely connected with the seized vehicles. Co-accused Vikash Kumar Modi has been granted bail by this Court vide Cr. Misc. No. 64564 of 2021 and case of petitioner stands on better footing.

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, petitioner is not named in the FIR, 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. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Court,



Excise-1, Jamui in connection with Malaypur P.S. Case No. 57 of 2021, G.R. No. 1043 of 2021, 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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