

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42534 of 2022

Arising Out of PS. Case No.-54 Year-2022 Thana- TANDWA District- Aurangabad

SUNIL KUMAR Son of Chhaththu Ram Resident of Village - Itwa, P.S.-
Tandawa, District - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amit Anand

For the Opposite Party/s : Mr.Harendra Prasad

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 27-09-2022 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
Tandwa P.S. Case No. 54 of 2022 , registered for the offences
punishable under Section 414 of IPC and Section 37 of Bihar
Prohibition and Amendment Excise Act.

As per prosecution case, during vehicle checking
two motorcycles on which petitioner and other two co-accused
were riding was stopped and during the investigation, the smell
of alcohol was detected from the mouth of the petitioner and
others. It is also alleged that on demanding motorcycle paper
petitioner and other co-accused were not able to produce it.



Learned counsel for the petitioner submits that petitioner is in custody since 07.06.2022 and bears no criminal antecedent. 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 the conscious possession of the petitioner. The petitioner is quite innocent and has been falsely implicated in the case.

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, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides 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 Addl. District and Session Judge-cum-Special Judge, Excise, IInd, Aurangabad in connection with Tandwa P.S. Case No. 54 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)

vashudha/-

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