

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42549 of 2022

Arising Out of PS. Case No.-58 Year-2021 Thana- MALAYPUR District- Jamui

Sunny Kasheshra @ Sunny Kashera @ Sunny Kumar S/O Late Sanoj Kashera
Resident Of Mohalla- Bhukhar, P.S.- Jamui, District- Jamui

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dipak Kumar

For the Opposite Party/s : Mr. Harendra Prasad

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 30-09-2022 Let the defects, if any, be removed within four weeks from today.

At the very outset, learned counsel for the petitioner submits that due to inadvertence in paragraph no. 6 of the bail application, it has wrongly been typed that petitioner is not named in the FIR though he is named in the FIR, and as such he is not pressing paragraph no. 6 of the application.

Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State through video conferencing.

Petitioner seeks bail in a case registered in connection with Malaypur P.S. Case No. 58 of 2021 for the



offences punishable under Sections 272, 273/343 and section 30(a), of the Bihar Excise (Prohibition) Amendment Act.

The police on a secret information, intercepted Maruti Suzuki Desire Car and on search total 90 liters Indian made foreign liquor was recovered. It is further alleged that four persons were found sitting in the said car and they were apprehended, who and disclosed the name of various other persons including the name of petitioner.

Learned counsel for the petitioner submits that the petitioner was neither apprehended at the spot nor any incriminating article has been recovered from his person or possession. He next submits that other co-accused persons having identical allegation have already been granted bail by the learned co-ordinate Bench of this Court. He last submits that the petitioner is in custody since 23.05.2022 and the investigation of the crime is already complete and the charge sheet has been submitted.

On the other hand, learned counsel for the State opposed the bail application and submits that petitioner has found involved in five criminal cases, however in response



to the aforesaid submission, learned counsel for the petitioner submits that out of five cases, the petitioner is on bail in four cases.

Regard being had to the submissions made on behalf of the parties and considering the fact that petitioner was neither apprehended at the spot nor any incriminating material has been recovered from his person or possession and the co-accused persons having identical allegation have already been granted privilege of bail and the investigation of the crime is complete and the charge sheet has been submitted, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise-I, Jamui in connection with Malaypur P.S. Case No. 58 of 2021 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date



of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The Court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancelling of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above- mentioned order shall not be delayed for purpose of or in the name of verification.

(Harish Kumar, J)

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