

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47465 of 2022

Arising Out of PS. Case No.-73 Year-2022 Thana- FATUA District- Patna

SIKANDAR KUMAR @ SIKANDAR PRASAD S/o Late Jaglal Ray R/o
village- Bhagwanpur, Dewarsaukhi, P.S.- Fatuha, District- Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jay Ram Prasad

For the Opposite Party/s : Mr.Kanhaiya Kishore (App.100)

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 16-09-2022 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 in virtual court proceeding.

The petitioner seeks bail in connection with Fatuha
P.S. Case No. 73 of 2022 registered for the offences punishable
under Section 414 of the I.P.C. and Sections 30(a), 56(C) of the
Bihar Prohibition and Excise Act.

As per prosecution case, there is alleged recovery
of 100 litre country made wine from plastic sack kept on the
motorcycle and apprehended co-accused Shankar Singh
disclosed that he alongwith petitioner and other accused
prepared liquor for the purpose of sale.

Learned counsel for the petitioner submits that



petitioner is in custody since 26.06.2022 and bears criminal antecedent of three cases of similar nature. He further submits that petitioner is not apprehended on the spot. Nothing has been recovered from possession of the petitioner. Except confessional statement of co-accused, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. Petitioner has been made accused in this case on the basis of his previous criminal antecedent.

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 apprehended on the spot, 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, **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 Special Judge, Excise, Patna City in connection with Fatuha P.S. Case No. 73 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/-

U		T	
---	--	---	--

