

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11885 of 2023**

Arising Out of PS. Case No.-39 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- Samastipur

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SUNIL KUMAR JHA @ BATAHA Son of Mr. Rambalak Jha Resident of
Village - Jhakhra, P.S.- Sarairanjan, District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vaishnavi Singh, Adv
For the Opposite Party/s : Mr.Uma Shankar Prasad Singh, APP

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

2 03-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Excise
P.S. Case No. 39 of 2023 registered for the offences punishable
under Section 30(a) of the Bihar Prohibition and
Excise(Amendment) Act, 2018.

As per prosecution case, there is alleged recovery of
13.035 liter foreign liquor from the hut in question and
petitioner is apprehended on spot.

Learned counsel for the petitioner submits that
petitioner is in custody since 13.01.2023 and bears criminal
antecedent of five cases of similar nature in which he is on bail
in all cases. Charge sheet has been submitted in the case and



there is no likelihood of tampering with the prosecution evidence..

The learned A.P.P. for the State vehemently 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, 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-2, Samastipur in connection with Excise P.S. Case No. 39 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife of 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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