

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75566 of 2023

Arising Out of PS. Case No.-294 Year-2020 Thana- FATUA District- Patna

SUNIL KUMAR @ SUNIL KUMAR YADAV @ SUNIL YADAV SON OF
HORIL YADAV R/O VILLAGE- CHHOTI RANIPUR, P.S.- FATUHA,
DISTRICT- PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Harish Kumar

For the Opposite Party/s : Mr.Ram Naresh Ray

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 28-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Fatuha P.S. Case No. 294 of 2020 registered for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act and Section 25(1-B)a, 26 Arms Act.

3. As per prosecution case, 50 litre mahua liquor
and one country pistol recovered from the house of the
petitioner and petitioner is alleged to be fled away from the
place of occurrence.

4. Learned counsel for the petitioner submits that
petitioner is in custody since 30.06.2023 and bears no criminal
antecedent. Learned counsel orally 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 petitioner is not apprehended on spot. The place of recovery is an abandoned place, which is accessible to all, thereby casting doubt on the exclusive association of any alleged incriminating article with the petitioner. Moreover, the place of recovery does not belong to the petitioner. Nothing has been recovered from the conscious possession of the petitioner. Except suspicion, there is nothing on record to demonstrate the complicity of petitioner with the alleged occurrence. He further submits that petitioner is quite innocent and has falsely been implicated in the case.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, petitioner is not apprehended on spot, keeping in view clean antecedent of the 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 Special Judge, Excise, Patna City in connection with Fatuha P.S. Case No. 294 of 2020, 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/-

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

