

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1794 of 2022

Arising Out of PS. Case No.-372 Year-2021 Thana- NAWADA District- Nawada

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LAKSHMAN KUMAR @ LAKSHMAN YADAV Son of Rajendra Prasad @
Rajo Yadav Resident of Village - Nahaluchak @ Sidheshwarpur, P.O. and P.S.
and District - Nawada.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Madhusudan Kumar

For the Opposite Party/s : Mr.Mukeshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 06-09-2022 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

Nawada P.S. Case No. 372 of 2021, G.R. No. 599 of 2021,

Excise Case No. 600 of 2021 registered for the offences

punishable under Sections 33, 34, 36, 37(a) of the Bihar

Prohibition and Excise Act.

As per prosecution case, informant saw that one

person with motorcycle is selling liquor. Informant did not

identify the persons. Informant purchased one pouch of liquor

and after taking the said spirituous liquor his condition became



deteriorated after that family members took him to Hospital for treatment.

Learned counsel for the petitioner submits that petitioner is in custody since 26.07.2021. Petitioner bears no 18 criminal antecedents out of which several cases are of similar nature. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that petitioner is not named in the F.I.R. During the course of investigation his name was surfaced on the basis of confessional statement of co-accused Arvind Yadav. Except the confessional statement there is nothing on record to connect the present petitioner with the alleged occurrence. No incriminating article has been recovered from the possession of the petitioner. Learned counsel further submits that similarly situated co-accused Usha Devi has already been granted bail vide Cr. Misc. No. 55516 of 2021 and the case of present petitioner stands on similar footing

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 as well as period of custody, petitioner is not named in the F.I.R. charge-sheet has already been submitted and there is no



likelihood of tampering with the prosecution evidence 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 Additional District and Sessions Judge Second-cum-Special Judge, Nawada in connection with Nawada P.S. Case No. 372 of 2021, G.R. No. 599 of 2021, Excise Case No. 600 of 2021, 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)

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