

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22299 of 2022

Arising Out of PS. Case No.-385 Year-2021 Thana- NAWADA District- Nawada

Lakshman Yadav @ Lakshman Kumar Son of Rajo Prasad Yadav @ Rajendra Yadav @ Rajendra Prasad Resident of Village - Nehaluchak, P.S. and Distt.- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Verma, Advocate

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 11-10-2022 Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Nawada Nagari P.S. Case No. 385 of 2021 registered for the offence under Sections 33, 34 and 36 of the Bihar Prohibition and Excise Act, 2016.

The accused/petitioner is not named in the F.I.R. and is in custody since 24.12.2021.

The allegation against the petitioner is to involve in trading/business of spurious liquor where after consumption death of several people taken place.



Learned counsel appearing on behalf of the petitioner submitted that the name of petitioner in present case surfaced on the basis of suspicion and also on the basis of confessional statement of co-accused namely, Arbind Kumar where, nothing incriminating surfaced/recovered during the course of investigation to connect petitioner, *prima facie*, with present set of occurrence. It is further submitted that as petitioner involved in 22 criminal cases, he was also remanded in present case, without any basis. It is also pointed out that informant failed to disclose that whether, deceased son consumed liquor or not. It is also pointed out that cause of death is yet to ascertained and in want of same it cannot be said that death was caused due to consumption of spurious liquor. It is also submitted that the similarly situated co-accused namely, Koushal Yadav granted bail through criminal miscellaneous no. 17107 of 2022 dated 15.04.2022 by one of the learned Co-ordinate bench of this Court. While concluding the argument, it has been submitted that investigation of this case has been completed, where charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, opposing the prayer of bail fairly conceded the fact that petitioner is not named in F.I.R.



Considering the facts and circumstances as mentioned above, as nothing surfaced/recovered during the course of investigation which may connect petitioner, *prima facie*, with present set of occurrence coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Nawada Nagri P.S. Case No. 385 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court-1, Nawada/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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