

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25337 of 2022

Arising Out of PS. Case No.-415 Year-2021 Thana- NAUTAN District- West Champaran

GUDDU KUMAR @ GUDDU SAH S/o Jata Sah R/o village- Nawada
Rajokhar, P.S.- Nagar Gopalganj, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh

For the Opposite Party/s : Mr. Anand Kishore Choudhary

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 10-08-2022 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 Nautan
P.S. Case No. 415 of 2021 registered for the offence under
Sections 272, 273, 328, 307, 304 and 120(B) of the Indian Penal
Code and Sections 30(a), 37(b), 33 and 34 of the Bihar
Prohibition and Excise Act, 2018.

The accused/petitioner is not named in the F.I.R. and
is in custody since 19.01.2022.

The allegation against the petitioner is to commit
culpable homicide not amounting to murder by
serving/supplying the spurious liquor, where two persons died.



Learned counsel appearing on behalf of the petitioner submitted that petitioner is not named in the FIR and his named surfaced during course of the investigation on the basis of confessional statement of co-accused, namely, Mukesh Patel. It is also submitted that in furtherance of said confession nothing incriminating was recovered as alleged from the possession of the petitioner, which may connect the petitioner, *prima-facie*, with the present set of occurrence. It is also submitted the petitioner is involved in similar nature of 04 cases, in which, he is on bail, and for these criminal antecedents, the petitioner is involved in present case. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that petitioner is not named in the FIR.

Considering the facts and circumstances as mentioned above, as nothing incriminating recovered from conscious physical possession of the petitioner in furtherance of confessional statement of co-accused, which may connect the petitioner, *prima-facie*, with the present set of occurrence coupled with the fact that charge-sheet has already been



submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Nautan P.S. Case No. 415 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 Judge, Excise, Bettiah, West Champaran, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

S.Katyayan/-

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

