

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37545 of 2022

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

Utpal Kant @ Babloo Kumar Son of Sugan Yadav @ Sugun Prasad R/O
Village- Gondapur, P.S.- Nawada, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Sinha, Advocate
For the Opposite Party/s : Mr.Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 20-08-2022 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 Nawada
P.S. Case No. 385 of 2021 registered for the offence under
Sections 33, 34 and 36 of the Bihar Prohibition and Excise Act,
2018.

The accused/petitioner is not named in the F.I.R. and
is in custody since 15.06.2021.

The allegation against the petitioner is to be involved
in trading/manufacturing of spurious liquor, causing death of the
son of informant.

Learned counsel appearing on behalf of the petitioner



submitted that the petitioner is not named in F.I.R. and nothing surfaced during the course of investigation, which may connect the petitioner with present case. It is submitted that the petitioner was involved in present case, only for his criminal antecedent i.e. 19 cases. It is further submitted that similarly situated co-accused person, namely, Vidhan Yadav, has already been granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 17795 of 2022 vide order dated 15.04.2022. It is further submitted that the perusal of F.I.R. merely suggest that informant was unaware, whether his son has consumed liquor. It has been submitted that investigation is complete, where charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

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

Considering the facts and circumstances as mentioned above, as it is not a case of recovery, where nothing surfaced during the course of investigation which may connect the petitioner with the present set of occurrence and further considering the doubtful version of the informant 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 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 ADJ-II-cum-Special Judge, Nawada/concerned court, subject to the conditions as mentioned under Section 437(3) of Cr.P.C.

(Chandra Shekhar Jha, J)

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