

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40795 of 2022

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

Sushant Dhar Son of Sachchida Nand Resident of Village - H.N.85,
Anandghat, P.S.- Pargana Beldariya, Distt.- 24 Pargana, Kolkata.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gauri Shankar Prasad, Advocate

For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 21-09-2022 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
Town P.S. Case No. 385 of 2021 registered for the offence
under Section 33, 34, 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 28.02.2022.

The allegation against the petitioner is to involve in
trade/business of spurious liquor along with other co-accused
persons, whereafter consumption, the son of informant died.

Learned counsel appearing on behalf of the petitioner



submitted that nothing incriminating surfaced/recovered from the possession of petitioner, where as per seizure list, only mobile was shown as seized, which belongs to this petitioner. It is further submitted that arrest of this petitioner is totally illegal and it cannot be said in furtherance of confessional statement because all confessional statement of co-accused persons are recorded after the arrest of this petitioner. It is admittedly not a case of recovery of illicit liquor from conscious physical possession of this petitioner and nothing incriminating surfaced during the course of investigation which may connect petitioner with present allegation/occurrence. Petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which charge-sheet has been submitted, as such, there is no chance of tempering with the evidence.

Learned APP, while 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 no alleged illicit liquor or nothing incriminating material was recovered from the conscious physical possession of this petitioner to connect with present allegation, who is a man of clean antecedent 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 Town 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 Judge I, Nawada in Nawada Town/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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