

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47599 of 2022

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

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TIRLOKI PRASAD @ TIRLOKIYA SON OF ROOP LAL MAHTO R/O
VILLAGE- DHARHARA, P.O.- JHURJHURI, P.S.- BARKATTHA,
DISTRICT- HAZARIBAGH, JHARKHAND

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vikas Ratan Bharti

For the Opposite Party/s : Mr.Md. Iftekhar Mahmood

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-09-2022 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 registered for the offences

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

Prohibition and Excise Act.

As per prosecution case, the informant purchased

one pouch liquor from an unknown person. It is further alleged

that on account of consumption of spurious liquor, the informant

got ill.

Learned counsel for the petitioner submits that



petitioner is in custody since 27.01.2022. Petitioner bears nineteen criminal antecedents 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. His name has been transpired in the present case on the basis of confessional statement of co-accused Sanjay Yadav in para 104 of the case diary as mentioned in impugned order as petitioner and others prepare wine by mixing spirit. Learned counsel further submits that after being arrested in the present case (while the petitioner is in custody), he has been implicated and made accused in several other cases of the same police station at the behest of the police. Except confessional statement of co-accused nothing is on record to demonstrate the complicity of the present petitioner with the alleged occurrence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner referring the previous criminal history of the present 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,



argument advanced on behalf of the parties 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 Exclusive Special Excise Judge, 1st Nawada in connection with Nawada P.S. Case No. 372 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.

(iv) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the



concerned police station on the first Tuesday of every month.

(v) Petitioner shall not leave the territorial jurisdiction of the concerned trial court without appropriate permission of the court concerned.

(Alok Kumar Pandey, J)

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