

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50190 of 2022

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

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PAPPU YADAV S/O LATE RAMBALAK YADAV Resident of village-
Gondapur, P.S.- Nawada, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Advocate

For the Opposite Party/s : Mr. Satyendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 29-09-2022 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 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 17.01.2022.

As per prosecution case, son of the informant died
during the course of treatment, after consuming liquor, where,
petitioner was involved as supplier/trader of illicit/spurious
liquor.



Learned counsel appearing on behalf of the petitioner submitted that name of this petitioner surfaced on the basis of confessional statement of co-accused, namely, Arvind Yadav, where, no recovery of illicit/spurious liquor was made from conscious physical possession of the petitioner. It is further submitted that implication of this petitioner, in the present case, is due to his criminal antecedent, which is total of 24 cases, where, in all the cases, name of the petitioner surfaced on the basis of confessional statement of co-accused, as of present. 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 surfaced, during course of investigation to connect this petitioner with the present set of occurrence coupled with the fact that charge-sheet has already 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 Court No. 1, Nawada/concerned court, subject to the following conditions:

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors of the petitioner shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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