

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52756 of 2022

Arising Out of PS. Case No.-682 Year-2021 Thana- NAWADA District- Nawada

Kaushal Yadav S/O Sharwan Yadav Resident Of Village- Khemchanbigha,
P.S.- Nawada, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 52766 of 2022

Arising Out of PS. Case No.-682 Year-2021 Thana- NAWADA District- Nawada

Vidhan Yadav @ Vidhan Kumar Son of Sharwan Yadav Resident of village -
Khemchanbigha, P.S.- Nawada, District - Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 53161 of 2022

Arising Out of PS. Case No.-682 Year-2021 Thana- NAWADA District- Nawada

Kartik Kumar @ Kartik Chaudhary Son Of Shiv Chaudhary R/O Village-
Amipur, P.S.- Muffasil, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 52756 of 2022)
For the Petitioner/s : Mr.Sheo Kumar Prasad
For the Opposite Party/s : Mr.Mithlesh Kumar Khare
(In CRIMINAL MISCELLANEOUS No. 52766 of 2022)
For the Petitioner/s : Mr.Sheo Kumar Prasad
For the Opposite Party/s : Mr.Mritunjay Kumar Nirala
(In CRIMINAL MISCELLANEOUS No. 53161 of 2022)
For the Petitioner/s : Mr.Deepak Kumar
For the Opposite Party/s : Mr.Nand Kumar

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA



ORAL ORDER

4 28-11-2022

Cr. Misc No. 52756 of 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. 682 of 2021 registered for the offence under Sections 33, 34 and 36 of the Excise Act.

The accused/petitioner is not named in the F.I.R. and is in custody since 13.03.2022.

The allegation against the petitioner is to be involved in the trading/business of spurious liquor, where one person died after consumption.

Learned counsel appearing on behalf of the petitioner submitted that the name of petitioner surfaced on the basis of confessional statement of the co-accused, namely, Arvind Yadav, where in furtherance of nothing surfaced/recovered during the course of investigation, which may connect this petitioner, *prima facie*, with present set of occurrence. It is submitted that petitioner named in present case only due to his criminal antecedent, as he is involved in 20 criminal cases arises out of same transaction. While concluding the argument, it has been



submitted that investigation has been completed, for which, 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 petitioner is not named in F.I.R.

Considering the facts and circumstances as mentioned above, as no incriminating recovered/surfaced to connect petitioner, *prima facie*, with present set of occurrence 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. 682 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 1st, Nawada/concerned court, subject to the following conditions:

“(i) That the accused/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 shall be deponent of the present bail petition.”

Cr. Misc. No. 52766 of 2022

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(Chandra Shekhar Jha, J)

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