

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59293 of 2022

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

Utpal Kant @ Babloo S/o Sugan Prasad @ Sugan Prasad Yadav Resident of
Vill- Gondapur, P.S.- Nawada, Distt.- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Sinha, Advocate
For the State : Ms. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 29-11-2022 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 Bihar Excise (Amendment) Act.

The accused/petitioner is not named in the F.I.R. and
is in custody since 11.03.2022.

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 co-accused, namely, Arbind Yadav, where in furtherance thereof, 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 18 more criminal cases arises out of same transaction. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has 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 F.I.R.

In view of the facts and circumstances, as mentioned above, as nothing incriminating surfaced/recovered to connect this petitioner, *prima facie*, with the present set of occurrence coupled with the fact that chargesheet 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 Judge-I, Nawada/concerned Court, subject to the following conditions:



“(i) That 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) That 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 the deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-

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