

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5718 of 2023

Arising Out of PS. Case No.-382 Year-2021 Thana- NAWADA District- Nawada

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Vidhan Yadav @ Vidhan Kumar Son Of Sharwan Prasad R/V- Khemchand
Bigha, P.S.- Nawada, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 6048 of 2023

Arising Out of PS. Case No.-382 Year-2021 Thana- NAWADA District- Nawada

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Kaushal Yadav Son Of Sharwan Prasad R/O Vill.- Khemchand Bigha, P.S.-
Nawada, Distt.- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 5718 of 2023)

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

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

(In CRIMINAL MISCELLANEOUS No. 6048 of 2023)

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

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 20-06-2023 Heard learned counsel appearing on behalf of the
petitioners and learned APP appearing on behalf of the State.

The petitioners seeks bail in connection with Nawada
(Town) P.S. Case No.382 of 2021 registered for the offence
under Sections 33, 34 and 36 of the Excise Act.

The accused/petitioners are not named in the F.I.R.



and is in custody since 11.04.2022.

The allegation against the petitioners is to involve in illegal activities of illicit liquor alongwith other named and unknown co-accused persons, where after consumption husband of informant died.

Learned counsel appearing on behalf of the petitioners submitted that petitioners have been falsely implicated in this case, where their name surfaced on the basis of confessional statement of co-accused Arvind Yadav, where no incriminating material recovered/surfaced to connect these petitioners, *prima facie*, with the present illegal activities of illicit liquor. It is submitted that petitioners are named in this case out of suspicion arising due to their criminal antecedents as they found involved in 22 more criminal cases of similar nature, where in maximum number of cases their name surfaced on the basis of confessional statement of co-accused as of the present case having otherwise no bearing over the merit of the case. 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 appearing on behalf of the State, while



opposing the prayer for bail fairly conceded that petitioners are not named in the F.I.R.

In view of the facts and circumstances as mentioned above as save and except confessional statement nothing incriminating recovered/surfaced to connect these petitioners, *prima facie*, with alleged illegal activities of illicit liquor causing death of husband of informant coupled with the fact that charge-sheet has already been submitted, where petitioners are in custody since 11.04.2022, accordingly above named petitioners are directed to be released on bail in connection with Nawada (Town) P.S. Case No.382 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 Ist, Nawada/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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