

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13410 of 2023

Arising Out of PS. Case No.-377 Year-2021 Thana- NAWADA District- Nawada

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UTPAL KANT @ BABLU @ BABLU KUMAR S/O SUGAN YADAV @
SUGAN PRASAD 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.Rajesh Kumar Sinha

For the Opposite Party/s : Mr.Veena Kumari Jaiswal

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 28-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for bail in a case registered
for the offence punishable under sections 33, 34 and 36 of the
Bihar Excise Act (Amendment) Act.

As per allegation in the FIR, informant's husband
died due to consumption of spurious liquor to which he had
purchased from unknown person.

Learned counsel appearing on behalf of the petitioner
has submitted that petitioner is innocent and has committed no
offence. He is not indulged in the business of illicit liquor. No
specific overt act is levelled against the petitioner. The name of
the petitioner has been disclosed in this case by the apprehended



co-accused person, namely Arvind Yadav before the police, which has got no evidentiary value in the eye of law. Neither the petitioner was arrested on spot nor any incriminating article has been recovered from his conscious possession. Similarly situated other accused person has already been enlarged on bail by another coordinate Bench of this Court vide order dated 18.11.2022 passed in Cr. Misc. No. 57918 of 2022. He is languishing in judicial custody since 7.4.2022.

Learned APP appearing for the State has opposed the prayer of Bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge 1st Nawada in connection with Nawada Town P.S. Case No. 377 of 2021.

(Sunil Kumar Panwar, J)

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