

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10680 of 2023

Arising Out of PS. Case No.-745 Year-2021 Thana- NAWADA District- Nawada

KAUSHAL YADAV Son of Shrawan Yadav Resident of Village - Khemchand
Bigha, P.S.- Nawada, District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 12537 of 2023

Arising Out of PS. Case No.-745 Year-2021 Thana- NAWADA District- Nawada

PAPPU YADAV S/O LATE RAMBALAK YADAV R/v- Gondapur, P.S.-
Nawada, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 10680 of 2023)

For the Petitioner/s : Mr.Sheo Kumar Prasad

For the Opposite Party/s : Mr.Sanjay Kumar Sharma

(In CRIMINAL MISCELLANEOUS No. 12537 of 2023)

For the Petitioner/s : Mr.Sheo Kumar Prasad

For the Opposite Party/s : Mr.Pushpa Sinha

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 11-07-2023 Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners have prayed for bail in a case
registered for the offence punishable under sections 33, 34 and
36 of the Excise Act.

As per allegation in the FIR, petitioners are said to be
indulged in manufacture and sale of spurious liquor. At the eve
of Holi, Shiv Shankar Yadav consumed spurious liquor and



died.

Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have committed no offence. They have no concern with the liquor trade. The name of the petitioner Kaushal Yadav & Pappu Yadav sprang up in this case on the basis of confessional statement of other co-accused persons namely, Arvind Yadav & Raju Yadav before the police, which has got no evidentiary value in the eye of law. Neither the petitioners were arrested on spot nor any incriminating article has been recovered from their conscious possession. Similarly situated other accused person has already been enlarged on bail by another coordinate Bench of this Court vide order dated 25.5.2023 passed in Cr. Misc. No. 32128 of 2023. Moreover, the petitioners are languishing in judicial custody since 26.8.2022.

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 petitioners on bail. The above named petitioners are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) each with two



sureties of the like amount each to the satisfaction of the learned
Exclusive Special Excise Judge 1st, Nawada in connection with
Nawada Town P.S. Case No. 745 of 2021.

(Sunil Kumar Panwar, J)

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