

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17747 of 2023

Arising Out of PS. Case No.-373 Year-2021 Thana- NAWADA District- Nawada

PAPPU YADAV SON OF LATE RAMBALAK YADAV R/O VILL.-
GONDAPUR, P.S.- NAWADA, DISTT.- NAWADA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

4 16-08-2023

Heard the parties.

The petitioner is an accused in connection with Nawada (Town) P.S. Case No. 373 of 2021 registered for the offences under sections 33, 34 and 36 of the Bihar Prohibition and Excise (Amendment) Act lodged on 02.04.2021 by the informant, Sanjay Yadav.

As per the prosecution story, the son of the informant went outside, consumed country made liquor, fell ill and ultimately died. Accordingly, the FIR.

Subsequently, during investigation, the name of one Arbind Yadav cropped up, was arrested and on his confession, the name of the petitioner also came in.

Learned Counsel for the petitioner submits that he is in custody since 29.07.2022 (as stated in paragraph 7 of the bail



application) and some of the similar placed co-accuseds have since been released on bail.

Learned APP for the State, on the other hand, opposes the prayer for bail stating that he has 25 criminal cases under his belt and as such, his case is different from the other co-accused who have been granted bail.

Considering the aforesaid submissions as also some of the co-accuseds have since been granted bail, as reflects from paragraph 11 of the petition though he has criminal antecedent of more than two dozen cases, this Court is inclined to extend him privilege of after framing of the charges.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Exclusive Special Excise Judge 1st , Nawada in connection with Nawada (Town) P.S. Case No. 373 of 2021, subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive



dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month till the conclusion of the trial to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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