

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22887 of 2023**

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

Sushant Dhar s/o late Sachindra Chandra Dhar R/o Mohalla 85 Anandghar,
Belghariya, North 24 Pargana, District- West Bengal (kolkata)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gauri Shankar Prasad
For the Opposite Party/s : Mr.Indu Kumari Srivastava

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

3 19-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case
instituted for the offence under Sections 33, 34 and 36 of the
Bihar Prohibition and Excise Act.

As per prosecution case, one Shiv Shankar Yadav died
due to drinking of spurious liquor, which he had purchased from
an unknown person on the occasion of Buddwa Holi.

It is submitted by learned counsel for the petitioner
that petitioner has been falsely implicated in this case. He has
committed no offence. Petitioner is not named in the FIR and
the same has been lodged against unknown person. From the
perusal of the impugned order, it appears that the only allegation
against the petitioner in this case is that the petitioner has been



made accused on the statement of co-accused Vidhan Yadav that the he used to sale stickers (Hologram) but nothing incriminating article has been recovered from the house of Kolkata or his possession. It is also submitted by learned counsel for the petitioner that a *Fardebayan* of the deceased's father has been recorded, in which he said that the deceased has eaten too much food and due to sudden illness, he died. The petitioner had been remanded in Nawada Town P.S. Case No. 385 of 2021 under Section 33, 34, 36 of the Bihar Prohibition and Excise Act in which the petitioner was also granted bail by this Hon'ble Court vide order dated 21.09.2022 passed in Cr. Misc. No. 40795 of 2022. He is languishing in judicial custody since 28.02.2022.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, 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 Court concerned in connection with



Nawada Town P.S. Case No. 745 of 2021.

(Sunil Kumar Panwar, J)

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