

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13789 of 2023

Arising Out of PS. Case No.-681 Year-2021 Thana- NAWADA District- Nawada

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LAKSHMAN YADAV @ LAKSHMAN KUMAR S/O RAJO YADAV @
RAJENDRA PRASAD Resident of Village- Nehaluchak, P.S. and District-
Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar Verma, Advocate

For the Opposite Party/s : Mr.Ramesh Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 11-07-2023 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since
11.10.2022 in connection with Nawada Town P.S.Case
No.681 of 2021, F.I.R. dated 01.07.2021 registered for the
offence punishable under Sections 33,34,36 of Bihar
Prohibition and Excise Act, 2016.

The prosecution case, in short, is that during
course of investigation of the case, on the basis of the
statement of the informant Anju Devi and witnesses it
transpired that husband of the informant Omprakash Prasad
@ Prakash Singh @ Lota Singh died due to drinking of



spurious liquor. Omprakash Prasad @ Prakash Singh @ Lota Singh had purchased spurious liquor from some unknown person and have drunk it on 28.03.2021.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. Petitioner is not named in the FIR. The name of the petitioner has been transpired during investigation on the basis of the confessional statement of the co-accused person, namely, Arbind Yadav. Further submits that nothing has been recovered from conscious possession of the petitioner and the petitioner has no concern at all with the alleged recovery of illicit liquor or the co-accused person and the petitioner was arrested in Nawada Town P.S. Case No.602 of 2020 and has been implicated in the present case and so many other cases of similar nature and the police, after investigation, submitted the chargesheet against the petitioner and the petitioner is in custody since 11.10.2022.

Learned APP for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries twelve more cases other than the present one.



Considering the aforesaid facts, nothing has been recovered from possession of the petitioner, petitioner is not named in the FIR, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge-1st, Nawada in connection with Nawada Town P.S.Case No.681 of 2021, with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall



take step for cancellation of bail bond of the petitioner.
However, the acceptance of bail bonds in terms of the
above-mentioned order shall not be delayed for purpose of
or in the name of verification.

(Rajesh Kumar Verma, J)

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