

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26797 of 2023

Arising Out of PS. Case No.-382 Year-2021 Thana- NAWADA District- Nawada

Pappu Yadav, S/o Late Rambalak Yadav, R/o Village- Gondapur, P.S.-
Nawada, Distt- Nawada.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 10-08-2023 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection
with Nawada (Town) P.S. Case No.382 of 2021 registered for
the offences punishable under Sections 33, 34 and 36 of the
Bihar Prohibition and Excise (Amendment) Act, 2016.

3. The accused/petitioner is not named in the FIR and
is in custody since 28.07.2022

4. As per FIR, the husband of informant died out of
consumption of spurious liquor.

5. It is submitted by learned counsel that name of
petitioner transpired during the course of investigation out of
confessional statement of co-accused, Arbind Yadav, where in
furtherance of same, no incriminating material
recovered/surfaced as to connect the petitioner with present



occurrence of death of husband of informant out of consumption of spurious liquor. It is submitted that husband of informant specifically disclosed before informant before his death that he purchased liquor from the shop of one Manti Devi, who is named co-accused. It is further pointed out that one of the reason for naming this petitioner with present occurrence of death is suspicion arises from his criminal antecedents, as he found involved in 23 more criminal cases of similar nature, having otherwise no bearing over merit of the case. While concluding argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

6. Learned APP while opposing the prayer of bail fairly conceded that the petitioner is not named in the FIR.

7. In view of above-mentioned facts and circumstances and by taking note of fact as save and except suspicion arises out of confessional statement of co-accused, nothing surfaced incriminating against the petitioner as to connect him *prima facie* with present occurrence of death arises out of consumption of spurious liquor, coupled with the fact that charge-sheet has already submitted, where petitioner is in



custody since 28.07.2022, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) 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.382 of 2021 subject to the conditions as laid down under Section 437(3) of the CrPC and with further conditions:-

(i) That petitioner shall not involve in any nature of criminal case till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That petitioner shall co-operate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.

(Chandra Shekhar Jha, J.)

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