

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14838 of 2023

Arising Out of PS. Case No.-403 Year-2021 Thana- NAWADA District- Nawada

TIRLOKI PRASAD S/O ROOP LAL MAHTO R/v- Dharhara, P.O.-
Jhurjhuri, P.S.- Barkattha, District- Hazaribagh, District- Jharkhand

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vikas Ratan Bharti, Advocate

For the Opposite Party/s : Mr.Narsingh Tanti, App

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 28-04-2023 1. Heard learned counsel for the petitioner and the

learned APP for the State.

2. Petitioner seeks regular bail in connection with
Nawada Town P.S. Case No. 403 of 2021 dated 06.04.2021
registered for the offence(s) punishable under Section(s) 30(a)
(b)(c)(d) of the Bihar Prohibition and Excise Act.

3. The main submissions advanced by the learned
counsel for the petitioner are that the petitioner is not named in
the FIR, as per the FIR, firstly the house of co-accused Arvind
Yadav was raided from where 200 ml. of country made wine
was recovered along with household articles and thereafter
another place, which is stated to be a field of someone behind
the mill of Shusham ji, was also raided from where some
materials used in packing of wine including spirit etc. were
recovered but in that raid also, the petitioner's name did not



come into light and petitioner was firstly arrested in Nawada Sadar P.S. Case No.372/2021 and thereafter, he was remanded in the present case as well as in several other cases of his antecedents and in the present matter, there is no allegation against him and he is a kidney patient and in this regard, a supplementary affidavit has been filed which shows that his kidney is 37% functional.

4. Learned APP appearing for the State has opposed the bail prayer.

5. Considering the above submissions and mainly the facts that the petitioner is suffering from serious ailment of kidney and he was not apprehended at the spot and his name surfaced during investigation and he was remanded from Nawada Sadar P.S. Case No.372/2021 in the present matter, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner be released on bail in connection with Nawada Town P.S. Case No. 403 of 2021 on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned.

Sanjay/-

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(Shailendra Singh, J)

