

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27089 of 2023

Arising Out of PS. Case No.-376 Year-2021 Thana- NAWADA District- Nawada

BIPIN YADAV @ KAMLESH KUMAR S/O ISHO YADAV R/V- Gondapur,
P.S.- Nawada, District- 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. Arvind Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 28-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

2. The petitioner seeks bail in connection with Nawada Town P.S. Case No. 376 of 2021 registered for the offence under Sections 33, 34 and 36 of the Excise Act.

3. The accused/petitioner is not named in the F.I.R. and is in custody since 25.06.2021.

4. The allegation against the petitioner is to involve in illegal trading of spurious liquor alongwith other co-accused persons, where after consumption, the husband of informant died.

5. Learned counsel appearing on behalf of the petitioner submitted that name of this petitioner surfaced on the basis of confessional statement of co-accused Arvind Yadav, where in furtherance of which no incriminating material recovered/surfaced as to connect him, *prima facie*, with present occurrence. It is submitted that even from the narration of F.I.R. it can be safely gathered that the alleged illicit liquor was recovered from the house of co-accused



Usha Devi after consumption of which the husband of informant died. It is submitted that as petitioner found involved in twenty-three (23) more criminal cases of similar nature, out of suspicion, he was also named in present case without having any cogent material, whereas, in maximum of cases, the name of petitioner surfaced on the basis of confessional statement of co-accused as of the present case. While concluding the argument, it has been submitted that investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above and by taking note of the fact as save and except confessional statement, nothing appears incriminating against this petitioner, where specific allegation as to purchase alleged spurious liquor causing death of husband of informant is available against co-accused Usha Devi coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 25.06.2021, accordingly, above named petitioner is directed to be released on bail in connection with Nawada (Town) P.S. Case No. 376 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge-1, Nawada/concerned court, subject to the conditions as mentioned under Section 437 (3) of the



Cr.P.C. with further conditions:

“(i) That the petitioner shall not indulge in similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the learned Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the learned Trial Court till the conclusion of trial and exemption from physical appearance be allowed by the learned 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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