

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32128 of 2023

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

UTPAL KANT @ BABLU KUMAR Son of Sugan Prasad @ Sugan Yadav
Resident of Village- Gondapur, P.S.- Nawada, Distt- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Sinha
For the Opposite Party/s : Mr. Binod Kumar

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 25-05-2023 Learned counsel for the petitioner is permitted to remove defect (s), as pointed out by the office, if any, within a period of four weeks on resumption of physical mode.

Heard learned counsel for the petitioner and learned A.P.P for the State.

The petitioner has preferred this application for grant of regular bail in connection with Nawada Town P.S. Case No. 745 of 2021 dated 16.07.2021 registered for the offences punishable u/s 33, 34 and 36 of the 30(a) of the Bihar Prohibition and Excise Act.

As per the prosecution case, one Shiv Shankar Yadav died due to consuming spurious liquor. It is further alleged that the deceased purchased the said liquor from unknown person.



Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner is not named in the FIR. The name of the petitioner has sprung up in the confessional statement of the co-accused Vidhan Kumar. There is general and omnibus allegation against the petitioner. Nothing has been recovered from the conscious possession of the petitioner. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 15.06.2021.

Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Nawada in connection with Nawada Town P.S. Case No. 745 of 2021, with the condition/s:-

1. The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.



2. If the petitioner is found involved in similar nature of offence in future, the prosecution will be at liberty to move for cancellation of his bail bonds.

The application stands allowed.

(Chandra Prakash Singh, J)

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