

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34349 of 2023

Arising Out of PS. Case No.-375 Year-2021 Thana- NAWADA District- Nawada

Vidhan Yadav @ Vidhan Kumar Son of Shrawan Yaddav Resident of village -
Khemchand Bigha, P.S. - Nawada, Distt. - 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. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 27-06-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

The petitioner seeks bail in connection with Nawada
(Nagar) P.S. Case No. 375 of 2021 registered for the offence
under Sections 33, 34 and 36 of the Excise Act.

The accused/petitioner is not named in the F.I.R. and
is in custody since 30.11.2022.

The allegation against the petitioner is to involve in
illegal activities of illicit liquor alongwith other co-accused
persons, where after consumption brother of informant died.

Learned counsel appearing on behalf of the petitioner
submitted that the name of petitioner surfaced in present case
during the course of investigation on the basis of confessional
statement of co-accused Arbind Yadav, where no incriminating



material recovered/surfaced during the course of investigation to connect this petitioner with present occurrence. It is submitted that as petitioner found involved in 22 cases of similar nature, his name also implicated with present case only on the basis of suspicion arises out of those 22 criminal antecedents, wherein also in almost all cases, name of petitioner surfaced on the basis of confessional statement, 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.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as save and except confessional statement of co-accused no incriminating material recovered/surfaced to connect this petitioner with present occurrence of illegal trading of alleged spurious liquor, which cause death of the brother of informant coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 30.11.2022, let the petitioner, above named, is directed to be released on bail in connection with Nawada Nagar P.S. Case No. 375 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) 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.

(Chandra Shekhar Jha, J)

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