

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 37212 of 2023

Arising Out of PS. Case No.-679 Year-2021 Thana- NAWADA District- Nawada

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TIRLOKI PRASAD S/O ROOP LAL MAHTO R/O Village- Dharhara, P.O.
jhurjhuri PS. Barkattha, Dist. Hazaribagh, Jharkhand

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 05-09-2023

Heard the parties.

2. The petitioner is in judicial custody in connection with Nawada (Town) P.S. Case No. 679 of 2021 registered under Sections 33, 34 and 36 of the Bihar Prohibition of Excise Act, 2016 lodged on 01.07.2021 by the informant, Santosh Kumar Paswan.

3. As per the prosecution story, it is alleged that one Ramdeo Yadav died after consuming spurious liquor whereafter FIR against unknown was registered. Later, one Arvind Yadav was arrested and he named the other accused persons which includes the petitioner herein.

4. It is the submission of the learned counsel for the petitioner that once Arvind Yadav named him, the police implicated him that followed all the case registered against him



which reflects from their respective criminal antecedents. It is the further case of the learned counsel for the petitioner that similarly placed co-accused Kartik Kumar @ Kartik Chaudhary also having twenty criminal cases has since been granted the privilege of bail by a co-ordinate Bench of this Court vide an order dated 09.08.2023 passed in Cr. Misc. No. 48014 of 2023.

5. It reflects from the said order sheet that one Bipin Kumar has also been granted the privilege of bail vide order dated 03.08.2023 passed in Cr. Misc. No. 46432 of 2023. Last submission is that investigation has been completed and charge sheet submitted and as such there is no chance of tempering with the evidence.

6. Mr. Jitendra Kumar Singh, learned APP for the State opposes the bail stating that he has criminal antecedent.

7. Considering the submission put forward by the learned counsel for the petitioner, the period of their custody, some of the similar placed accuseds with criminal antecedents have since been extended the privilege of bail, charge sheet stands submitted and it has been undertaken by the petitioner that he will be diligently appearing in the trial, this Court is inclined to grant him privilege of bail after framing of charge in view of the fact that he has criminal antecedent.



8. Let the petitioner be released on bail after framing of charges on furnishing bail of Rs. 10,000/- (ten thousand) each 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. 679 of 2021, subject to the following conditions:

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month till the conclusion of the trial to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty



to take steps for cancellation of the bail bonds.

9. With the aforesaid observations, the bail application stands allowed.

(Rajiv Roy, J)

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