

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42011 of 2023

Arising Out of PS. Case No.-681 Year-2021 Thana- NAWADA District- Nawada

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TIRLOKI PRASAD SON OF ROOP LAL MAHTO, RESIDENT OF
VILLAGE DHARHARA, PO JHURJHURI, PS-BARKATTHA DIST
HAZARIBAGH JHARKHAND.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vikas Ratan Bharti
For the Opposite Party/s : Mr.Nirmal Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 21-07-2023 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

2. The petitioner seeks bail in connection with
Nawada (Nagar) P.S. Case No. 681/2021 registered for the
offences punishable under Sections 33, 34 and 36 of the Bihar
Prohibition and Excise Act, 2016.

3. As per prosecution case, husband of the informant
Omprakash Prasad @ Prakash Singh @Lota Singh died on
account of consumption of spurious liquor. It is further alleged
that he has purchased the said liquor from some unknown
person.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case due to local politics. The petitioner is not named in the FIR



and the name of petitioner transpired in this case on the basis of confessional statement of co-accused Kartik Kumar @ Kartik Chaudhary. Except confessional statement, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. The petitioner has been remanded in this case from Nawada Sadar P.S. Case No. 372/2021 on 06.02.2023 and since then he is languishing in jail custody. The petitioner bears criminal antecedent of 20 cases. Nothing has been recovered from the conscious possession of the petitioner. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. On similar allegation co-accused Kaushal Yadav has already been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No.7732/2023 and the case of present petitioner stands on similar footing.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner and submits that the petitioner has 20 criminal antecedents.

6. Considering the facts and circumstances of the case, period of custody, co-accused has already been granted bail, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution



evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail **after framing of charge** on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge-1st, Nawada in connection with Nawada (Nagar) P.S. Case No. 681/2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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