

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42526 of 2023

Arising Out of PS. Case No.-385 Year-2021 Thana- NAWADA District- Nawada

Tirloki Prasad Son Of Roop Lal Mahto Resident Of Village- Dharhara, Po
-JHURJHURI, Ps -BARKATTHA, District- Hazaribagh, Jharjhand

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vikas Ratan Bharti

For the Opposite Party/s : Mr.Sangeeta Sharma

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 01-08-2023 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner has filed the instant application for grant of regular bail in a case registered for the offences punishable under Sections 33, 34, 36 of the Bihar Prohibition and Excise Act.

As per prosecution case, 31.03.2021 the informant received information on mobile from his daughter in law Manju Devi that his son Munna Prasad is seriously ill. Thereafter, the informant took his son to the hospital for treatment and his son was referred to PMCH where he died on 01.04.2021 during course of treatment due to drinking of spurious liquor.

It is submitted by learned counsel for the petitioner that the petitioner is innocent and has committed no offence. The petitioner is not named in the FIR. He has falsely been implicated in this case on the basis of his criminal antecedent. The name of the petitioner transpired in this case on the basis of confessional



statement of other accused Kartik Kumar @ Kartik Chaudhary in Nagar P.S. Case No.602 of 2020, which has got no evidentiary value in the eye of law. Nothing has been recovered from the conscious possession or from the house of petitioner. Save and except confessional statement, there is no other material and eye witness to show the complicity of the petitioner in the alleged offence. Similarly situated other accused Vidhan Yadav has already been granted bail by a co-ordinate Bench of this Court vide order dated 15.04.2022 passed in Cr. Misc. No. 17795 of 2022. Moreover, the petitioner is languishing in judicial custody since 27.02.2023.

Learned APP appearing for the State has vehemently opposed the prayer for Bail.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with (Nawada) Nagar P.S. Case No. 385 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 the learned Exclusive Special Excise Judge-I, Nawada.

(Sunil Kumar Panwar, J)

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