

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45910 of 2023

Arising Out of PS. Case No.-382 Year-2021 Thana- NAWADA District- Nawada

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TIRLOKI PRASAD Son of Roop Lal Mahto Resident of village - Dharhara,
P.O. - Jhurjhuri, P.S. - Barkattha, Distt. - 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.Satyendra Narayan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 03-08-2023 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

2. Let the defect(s), if any, be removed within a
period of four weeks from today.

3. The petitioner seeks bail in connection with
Nawada (Town) P.S. Case No. 382 of 2021 registered for the
offence under Sections 33, 34 and 36 of the Bihar Prohibition
and Excise Act, 2016.

4. The accused/petitioner is not named in the F.I.R.
and is in custody since 21.02.2023.

5. The allegation against the petitioner is to be
involved in illegal activities of illicit liquor alongwith other
unknown co-accused persons, thereafter consumption of illicit
liquor, husband of informant died.



6. Learned counsel appearing on behalf of the petitioner submitted that petitioner falsely implicated with present case as his name surfaced during the course of investigation on the basis of confessional statement of co-accused, namely, Kartik Kumar @ Kartik Chaudhary, in furtherance of no incriminating material recovered/surfaced as to connect petitioner, *prima facie* with the present illegal activities of illicit liquor, which causing death of husband of informant. It is submitted that one of the reason for implication of this petitioner is also the suspicion arises out of his criminal antecedents, as he found involved in 20 more criminal cases of similar nature, where he is on bail in 12 cases, and in maximum of cases, the name of petitioner arises out of suspicion/confession as of the present case, having otherwise no bearing over the merit of the case. While concluding the argument, it is submitted that petitioner remanded in this case from Nawada Sadar P.S. Case No. 372 of 2021 and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

7. Learned APP, while opposing the prayer of bail conceded that petitioner is not named in the FIR.



8. Considering the facts and circumstances as mentioned above as save and except suspicion arises out of confessional statement, nothing incriminating appears to be recovered to connect petitioner *prima facie* with the present recovery of illicit liquor, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 21.02.2023, accordingly, petitioner above named, is directed to be released on bail in connection with Nawada (Town) P.S. Case No. 382 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 1st, Nawada/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C., with further conditions:-

(i) That the petitioner shall not involve in similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the learned Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically



present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.

(Chandra Shekhar Jha, J)

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