

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 48014 of 2023

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

Kartik Kumar @ Kartik Chaudhary Son Of Shiv Chaudhary R/O-Amipur,
P.S.-MUFASSIL, Distt.-NAWADA.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Man Mohan Kumar, Advocate

For the Opposite Party/s : Mr.Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 09-08-2023 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 (Nagar) P.S. Case No. 679 of 2021 registered for the
offence under Sections 33, 34, 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 07.01.2023.

5. As per FIR, a UD case was registered, where one
person, namely, Ramdeo Prasad Yadav died after consumption
of spurious liquor.

6. Learned counsel appearing on behalf of the



petitioner submitted that the name of petitioner surfaced in this case during the course of investigation on the basis of confessional statement of co-accused, namely, Arvind Yadav, in furtherance of which, no incriminating material recovered/surfaced as to connect him with present occurrence of death arises out of consumption of spurious liquor. It is submitted that subsequent to this case, petitioner was named in 18 more criminal cases of similar nature in single stroke by police, where he is on bail in nine cases and in all such cases, name of petitioner surfaced on the basis of confessional statement of co-accused as of present case. It is also submitted that similarly situated co-accused, namely, Bipin Kumar @ Kamlesh Kumar @ Bipin Yadav @ Bipin Prasad has already been granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 46432 of 2023 dated 03.08.2023. While concluding the argument, it is submitted that 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, opposes the prayer of bail.

8. Considering the facts and circumstances as mentioned above and by taking note of fact as save and except



suspicion arises out of confessional statement of co-accused, nothing incriminating appears against this petitioner as to connect him, *prima facie*, with the present occurrence of death, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 07.01.2023, accordingly, petitioner above named, is directed to be released on bail in connection with Nawada (Nagar) P.S. Case No. 679 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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