

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53415 of 2023

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

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LAKSHMAN YADAV @ LAKSHMAN KUMAR S/O RAJO YADAV @
RAJENDRA PRASAD R/O VILLAGE- NEHALUCHAK, PS. AND DIST.
NAWADA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 57236 of 2023

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

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PAPPU YADAV S/O LATE RAMBALAK YADAV @ BALAK YADAV
RESIDENT OF VILLAGE- GONDAPUR, P.S.- NAWADA, DISTT.-
NAWADA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 53415 of 2023)

For the Petitioner/s : Mr. Pramod Kumar Verma, Advocate

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

(In CRIMINAL MISCELLANEOUS No. 57236 of 2023)

For the Petitioner/s : Mr. Sheo Kumar Prasad, Advocate

For the Opposite Party/s : Ms. Pushpa Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 29-08-2023

Heard the parties.

2. The petitioners are in custody in connection with
Nawada (Town) P.S. Case No. 679 of 2021 for the offence under
sections 33, 34, 36 of Bihar Prohibition and Excise Act, 2016
lodged on 01.07.2021 by the informant, Santosh Kumar Singh.



3. As per the prosecution story, in connection with the investigation of different criminal cases, the Police came to know about the death of a person due to drinking of spurious liquor, the name of the petitioners cropped up in course of investigation whereafter they were remanded in this case. Accordingly, the FIR.

4. Learned counsel for the petitioner in Cr. Misc. No. 53415 of 2023 (Lakshman Yadav) submits though his name has cropped up, nothing incriminating has been recovered from his conscious possession and only because of criminal antecedent, he has been implicated in this case and is in custody since 07.01.2023 (as stated in paragraph 13 of the petition).

5. Learned APP submits that he has seventeen criminal cases of almost same nature.

6. In second case, i.e. Cr. Misc. No. 57236 of 2023 (Pappu Yadav) his name had also cropped up during the course of investigation and in the confessional statement of Arvind Yadav is in custody since 23.05.2022 (as stated in paragraph 9 of the petition).

7. Learned APP has submitted that he has twenty-one criminal cases of almost same nature.

8. Taking into account that the aforesaid submissions



put forward by the learned Counsel for the petitioners, their names have come during the course of investigation, as also their custody period, this Court is inclined to extend them the privilege of bail but only after the framing of charges in view of the fact that both of them have more than dozen cases under their belt.

9. Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Exclusive Special Excise Judge-Ist, 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 petitioners 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 their bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every month for one year to mark their attendance;



(iv) the petitioners 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 the 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 their bail bonds.

10. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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