

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51361 of 2023

Arising Out of PS. Case No.-375 Year-2021 Thana- NAWADA District- Nawada

UTPALKANT @ UTPAL KUMAR @ BABLOO KUMAR SON OF SUGAN
PRASAD @ SUGAN PRASAD YADAV RESIDENT OF VILLAGE-
GONDAPUR, PS- NAWADA, DISTT- NAWADA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 16-08-2023 Heard the parties.

The petitioner is in judicial custody in connection with Nawada Nagar Town P.S. Case No.375 of 2021 instituted under Sections 33,34 and 36 of Bihar Excise Act lodged on 02.04.2021 by the informant Vijay Kumar Singh.

As per the prosecution story, the police in course of investigation of UD Case No.16 of 2021 dated 01.04.2021 came to know that Dharmendra Singh brother of the informant died due to consumption of spurious liquor. Accordingly, the present case was lodged in which the implication of the petitioner came to light.

It is the case of the petitioner that only because he has criminal antecedent of more than 20 cases, he has been remanded in the present case on 30.11.2022. The last submission is that one co-accused Vidhan Yadav has since been



granted bail in Cr. Misc. No.34349 of 2023 by a coordinate bench.

Let the same be kept on record.

Learned APP opposes the prayer for bail stating that he has 20 criminal cases, under his belt and as such he is not similarly situate to said Vidhan Yadav.

Considering the submissions put forward by the learned counsel for the petitioner though the similar placed co-accused has been released on bail, as stated above, in view of the criminal antecedent, this Court is inclined to extend him privilege of bail only after framing of the charges.

Let the petitioner be released on bail after framing of the charges on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Nawada Town P.S. Case No.375 of 2021 to the satisfaction of learned Exclusive Special Excise Judge, Ist, Nawadas, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner 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 his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner 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 the bail bonds.

(Rajiv Roy, J)

Prakash Narayan

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