

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55958 of 2023

Arising Out of PS. Case No.-374 Year-2021 Thana- NAWADA District- Nawada

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Kaushal Yadav Son Of Shrawan Yadav @ Sharwan Yadav Resident Of
Village Khemchand Bigha Ps Nawada Dist Nawada

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sheo Kumar Prasad

For the Opposite Party/s : Mr.Indu Kumari Srivastava

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 31-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 33, 34, 36 of the Bihar Prohibition and excise Act.

3. As per prosecution case, the father of the informant died after consuming spurious liquor which was purchased from unknown miscreants.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. The petitioner is not named in the FIR rather his name was transpired in this case on the basis of confessional statement of co-accused Arvind Yadav before police which is inadmissible in the eye of law. There is



no recovery from conscious possession of the petitioner. He has also not concerned with the spurious liquor. Moreover, similarly situated co-accused namely, Lakshman Yadav has already been granted bail by a co-ordinate Bench of this Court vide order dt. 25.8.2023 passed in Cr. Misc. No. 53398 of 2023. It is further submitted that the petitioner is languishing in judicial custody since 8.12.2022.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Nawada Town P.S. Case No. 374 of 2021 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge 1st Nawada.

(Sunil Kumar Panwar, J)

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