

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60062 of 2023

Arising Out of PS. Case No.-373 Year-2021 Thana- NAWADA District- Nawada

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KARTIK KUMAR @ KARTIK CHAUDHARY @ KARTICK KUMAR @
KARTICH CHAUDHARY S/O SHIV CHAUDHARY RESIDENT OF
VILLAGE- AAMIPUR, P.O AND P.S- MUFFASIL (NAWADA) DISTRICT-
NAWADA

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vikas Ratan Bharti, Advocate

For the Opposite Party/s : Mr.Vinod Shanker Modi, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 06-09-2023 Heard the parties.

2. The petitioner is in judicial custody in connection with Nawada P.S. Case No. 373 of 2021 for the offence punishable under Sections 33, 34, 36 of the Bihar Prohibition and Excise Act lodged on 2.4.2021 by the informant, Sanjay Yadav.

3. As per the prosecution story, the allegation is that the son of the petitioner died after consuming spurious liquor from unknown place. Accordingly, the FIR.

4. It is the case of the petitioner that his name has come in the confessional statement of Arvind Yadav and accordingly, he is in custody since last one year (26.8.2022). The further submission is that the son though stated that he has



taken spurious liquor but has not named anyone from those people, the said liquor and only because he was implicated, has been thrust upon number of criminal cases which reflect from para-3 of the petition.

5. The last submission is that the similar situate other accused persons have since been granted bail by coordinate benches in Cr. Misc. No. 56388 of 2022 and 49460 of 2023.

6. Mr. Bharat Bhushan, learned APP opposes the prayer stating that his name has come in the confessional statement of Arvind Yadav.

7. Taking into account the submission put forward by the parties, admittedly, his name has come on the confessional statement of Arvind Yadav, is in custody since 26.8.2022, as stated above, some of the accused persons have been granted bail, this Court is inclined to extend him the privilege of bail with conditions.

8. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Exclusive Special Excise Judge, 1st, Nawada, in connection with Nawada P.S. Case No. 373 of 2021 subject to the 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 month till conclusion of the trial to mark his 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 his bail bonds.

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

(Rajiv Roy, J)

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