

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70894 of 2023

Arising Out of PS. Case No.-377 Year-2021 Thana- NAWADA District- Nawada

SURAJ CHAUDHARY @ KARKU CHAUDHARY Son of Raju Chaudhary
Resident of Village - Kharidi Bigha, Police Station - Nawada (Nagar), District
- Nawada.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Man Mohan Kumar

For the Opposite Party/s : Mr.Lakshmi Kant Sharma

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 05-12-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with
Nawada (Nagar) P.S. Case No. 377 of 2021 registered for
the offences punishable under Sections 33, 34 and 36 of the
Bihar Prohibition and Excise Act, 2016.

3. As per prosecution case, informant's husband
had died due to consumption of spurious liquor.

4. Learned counsel for the petitioner submits that
petitioner has been remanded in the present case on
07.04.2022. Learned counsel at para 3 of the bail petition
submits that petitioner bears criminal antecedent of eighteen



cases. All cases related to the same occurrence and petitioner is not named in the aforesaid cases and in all cases name of petitioner transpired on the basis of confessional statement of co-accused Arvind Yadav. He further submits that name of the present petitioner has been roped in a routine manner in similar kind of occurrence, though, petitioner has no connectivity with the alleged occurrence. In the present case also, petitioner is not named in the F.I.R. and name of present petitioner has transpired after one year on the basis of confessional statement of co-accused Arvind Yadav. Except confessional statement of co-accused Arvind Yadav, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. Nothing has been recovered from the conscious possession of the petitioner. Petitioner has nothing to do with the alleged occurrence. Learned counsel further submits that charge-sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence. Co-accused Kartik Kumar @ Kartik Chaudhary, on similar and identical allegation, have already been granted bail vide Cr. Misc.



No. 73955 of 2023 by this Court and on the principle of parity the petitioner deserves same treatment.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case as well as period of custody, petitioner is not named in F.I.R., co-accused has already been granted bail, charge-sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of the parties, also taking into consideration the material available on record, let the petitioner above named be released on bail 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 in connection with Nawada (Nagar) P.S. Case No. 377 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will



remain present on each and every date and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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