

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5252 of 2023

Arising Out of PS. Case No.-740 Year-2021 Thana- NAWADA District- Nawada

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Utpal Kant @ Babloo @ Babloo Kumar Son Of Sujan Prasad @ Sagun
Prasad Resident Of Village- Gondapur, P.S.- Nawada, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Sinha
For the Opposite Party/s : Mr.Khurshid Anwar

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 04-09-2023 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 and 36 of the Bihar Prohibition and Excise Act.

3. As per prosecution case, the brother of the informant and maternal uncle celebrated Holi after consuming spurious liquor, in the evening, maternal uncle died and when his brother returned after cremation of his uncle and having taken meal, started vomiting and died, thereafter, U.D. case has been registered and converted into FIR.

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 due to village politics. The petitioner is not named in FIR rather his name came into light in this case on the basis of confessional statement of co-accused person before the police which has got no evidentiary value in the eye of law. It is further submitted that nothing has been recovered from the conscious possession of the petitioner. He has no concern with the alleged offence and has been remanded in this case from another case. Similarly situated other co-accused person has already been granted bail by this Court vide order dated 28.08.2023. in Cr. Misc. No. 54460 of 2023. Moreover, the petitioner is languishing in judicial custody since 07.05.2022.

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. 740 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 Special Judge 1st , Nawada.

(Sunil Kumar Panwar, J)

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