

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74701 of 2022

Arising Out of PS. Case No.-372 Year-2021 Thana- NAWADA District- Nawada

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UTPAL KANT @ BABLOO KUMAR Son of Sugan Yadav @ Sugun Prasad
Resident of Vill.- Gondapur, P.S.- Nawada, Distt.- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Sinha, Adv.
For the Opposite Party/s : Mr. Abhay Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 07-08-2023 1. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner, who is in custody since 15.06.2021 seeks
bail, in connection with Nawada Town P.S. Case No.372/2021,
dated 01.04.2021, for the offences punishable under Sections
33, 34, 36, 37 (B) of Bihar Excise (Amendment) Act, 2016.

3. According to prosecution case, the petitioner along
with other co-accused persons were selling spurious liquor.

4. Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case. He
further submits that the petitioner is not named in the F.I.R. The
name of the petitioner has been transpired during investigation
on the basis of confessional statement of the co-accused
persons. It appears from the F.I.R. as well as seizure list that



nothing has been recovered from conscious possession or the house of the petitioner and the petitioner has no concern at all with the alleged recovery of illicit liquor. He further submits that except the confessional statement of the co-accused, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that co-accused, namely, Koushal Yadav has been granted bail by a co-ordinate Bench of this Court vide order dated 21.12.2021 passed in Cr. Misc. No. 68121/2021, other co-accused namely Vidhan Yadav @ Vidhan Kumar has been granted bail vide order dated 21.12.2021 passed in Cr. Misc. No. 67219/2021, other co-accused namely Arbind Yadav has been granted bail vide order dated 13.10.2022 passed in Cr. Misc. No.71708/2021, other co-accused namely Ranjeet Kumar @ Ranjeet Prasad has been granted bail by this Court vide order dated 10.04.2023 passed in Cr. Misc. No. 72885/2022 and other co-accused namely Pappu Yadav has been granted bail vide order dated 21.12.2021 passed in Cr. Misc. No.58386/2021. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 15.06.2021.

5. Learned Additional Public Prosecutor for the State



on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner has carried 18 criminal antecedent other than the present one but fairly submits that other co-accused persons have been granted bail by this court as well as by the co-ordinate Bench of this Court.

6. Considering the aforesaid facts and period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge-1st, Nawada in connection with Nawada Town P.S. Case No.372/2021, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his



criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification

(Rajesh Kumar Verma, J)

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