

Arising Out of PS. Case No.-385 Year-2021 Thana- NAWADA District- Nawada

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... Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

For the Petitioner/s : Mr.Sheo Kumar Prasad
For the Opposite Party/s : Mr.Suman Kumari Singh

For the Opposite Party/s : Mr.Suman Kumari Singh

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

3 26-02-2024 Heard learned counsel appearing on behalf
of the parties.

2. The petitioner seeks bail in connection with Nawada (Town) P.S. Case No.385 of 2021 registered for the offence under Sections 33, 34 and 36 of the Bihar Prohibition and Excise Act.

3. As per prosecution case, son of the informant died during course of treatment, after consuming liquor.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner has falsely been implicated in the present case. It is submitted that petitioner is not named in the FIR, where, his named surfaced on the basis of



confessional statement of other co-accused person, namely, Arvind Yadav. It is submitted that nothing incriminating surfaced from the possession of the petitioner, during course of the investigation, which may connect him with the present set of occurrence. It is also submitted that similarly situated co-accused persons have already been granted bail by different learned co-ordinate Benches of this Court through Cr. Misc. No. 36213 of 2022 on 18.08.2022 and Cr. Misc. No.17107 of 2022 on 15.04.2022. It is further submitted that petitioner is in custody since 17.01.2022.

5. Learned APP appearing for the State, opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances and submissions made on behalf of the petitioner, let the petitioner, above named, is directed to be released on bail, ***after framing of the charge***, in connection with Nawada (Town) P.S. Case No.385 of 2021 on furnishing bail bonds 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.

7. The trial court is directed to conclude the proceeding of framing of charge according to law within a



period of 15 (fifteen) days from the date of receipt of a copy of this order. However, it is made clear that *if the charge-sheet has not been submitted* then the above named petitioner shall be released on bail on furnishing bail bond with further condition that the petitioner have to present physically on each and every date before the Trial Court till conclusion of the proceeding of framing of charge.

(Ramesh Chand Malviya, J)

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