

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53772 of 2024

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

Utpalkant Kumar @ Bablu Kumar @ Tere Naam @ Utpal Kant @ Babloo
Son Of Sagar Prasad Yadav @ Sugan Yadav @ Sugan Pd. Village- Gondapur,
Ps- Nawada, Dist- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Rajesh Kumar Sinha, Advocate
For the State	:	Ms. Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 02-08-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The Petitioner seeks bail in connection with Nawada (Town) P.S. Case No. 373 of 2021, registered for the offences punishable under Sections 33, 34 and 36 of the Bihar Prohibition and Excise Act, 2016.

3. The prosecution case as emerges form the FIR is that one Akash Kumar, son of the informant died on account of consumption of spurious liquor.

4. Learned counsel for the petitioner submit that the petitioner is innocent and has falsely been implicated in this case. He further submits that the Petitioner is not named in the FIR. He also submits that investigation is complete and even



after investigation, there is no incriminating material recovered against him except confession before the police which has no evidentiary value. Ld. Counsel for the Petitioner further submits that similarly situated co-accused persons have been enlarged on bail by this Court vide order dated 06.12.2022 passed in Cr. Misc. Nos. 56388 of 2022, 58021 of 2022 and 64165 of 2022.

5. The petitioner has been languishing in jail since 11.11.2022.

6. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved earlier this Court for grant of regular bail or anticipatory one.

7. It has further been stated in paragraph no. 3 of the petition that the petitioner has been made accused in 18 other cases.

8. However, learned APP for the State vehemently opposes the prayer of the petitioner for bail submitting that alleged offence is serious in nature. However, he is not in position to controvert the submission made by Ld. Counsel for the petitioner.

9. Considering the aforesaid facts and circumstances, **the petition is allowed** directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of



Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. Exclusive Special Judge 1st Nawada, in connection with Nawada Town P.S. Case No. 373 of 2021 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong,



the learned court below shall cancel the bail bond of the
petitioner.

(Jitendra Kumar, J)

Chandan/
ravishankar-

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