

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39233 of 2024

Arising Out of PS. Case No.-682 Year-2021 Thana- NAWADA District- Nawada

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Bipin Kumar @ Kamlesh Kumar @ Bipin Yadav @ Kamlesh Yadav SON OF
ISHO YADAV 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. Manmohan Kumar

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 28-06-2024

Heard the parties.

2. The petitioner seeks bail in connection with Nawada Town P.S. Case No. 682 of 2021 registered for the offence under Sections 33, 34 and 36 of the Excise Act.

3. The petitioner is not named in the F.I.R. and is in custody since 15.02.2022.

4. The allegation against the petitioner is to be involved in the trading/business of spurious liquor, where one person died after consumption.

5. Learned counsel appearing on behalf



of the petitioner submitted that the name of petitioner surfaced on the basis of confessional statement of the co-accused, namely, Arvind Yadav, where in furtherance of nothing surfaced/recovered during the course of investigation, which may connect this petitioner, *prima facie*, with present set of occurrence. It is submitted that petitioner named in present case only due to his criminal antecedent, as he is involved in 20 criminal cases arises out of same transaction. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP, while opposing the prayer of bail, fairly conceded that petitioner is not named in F.I.R.

7. Considering the facts and circumstances as mentioned above, as no



incriminating recovered/surfaced to connect petitioner, *prima facie*, with present set of occurrence coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Nawada Town P.S. Case No. 682 of 2021 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, subject to the following conditions:

“(i) That the accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.”



(Chandra Shekhar Jha, J)

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