

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37979 of 2024

Arising Out of PS. Case No.-403 Year-2021 Thana- NAWADA District- Nawada

Bipin Kumar @ Kamlesh Kumar @ Bipin Yadav Son of Isho Yadav Resident
of Village - Gondapur, P.S.- Nawada, District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Man Mohan Kumar

For the Opposite Party/s : Mrs. Asha Devi

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 28-06-2024 Heard learned counsel appearing on behalf of

the petitioner and learned APP appearing on behalf of

the State.

2. The petitioner seeks bail in connection with

Nawada (Town) P.S. Case No. 403 of 2021 registered

for the offence under Sections 30(a)(b)(c)(d) of the

Bihar Prohibition and Excise (Amendment) Act, 2018.

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

is in custody since 06.04.2022.

4. The allegation against the petitioner is to

involve in the illegal business of illicit liquor, where 400

ml of country made liquor, 5 liters of spirit and packing



machine were recovered.

6. Learned counsel appearing on behalf of the petitioner submitted that name of the petitioner surfaced on the basis of confessional statement of co-accused, namely, Arvind Yadav, who has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 72533 of 2021 dated 30.05.2022, in furtherance of which, nothing incriminating surfaced, which may connect the petitioner with the alleged recovery/manufacturing activities. It is further submitted that petitioner involved in this case only due to his criminal antecedents, as he is involved in 20 more criminal cases but in most of the cases, name of the petitioner surfaced on the basis of confessional statement, as of the present case. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.



7. Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded that this is not a case of recovery of illicit liquor from the physical possession of the petitioner.

8. In view of the facts and circumstances, as mentioned above, as recovery cannot be said to be made from the conscious physical possession of the petitioner coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Nawada (Town) P.S. Case No. 403 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 conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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