

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51741 of 2024

Arising Out of PS. Case No.-377 Year-2021 Thana- NAWADA District- Nawada

SUSHANT DHAR SON OF SACHINDRA CHANDRA DHAR R/O
VILLAGE- 85 ANANDAGAR, P.S. BELTHARIYA, DISTRICT- NORTH 24,
PRAGANA (WEST BENGAL).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Verma

For the Opposite Party/s : Mr. Umesh Lal Verma

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 31-08-2024 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the

State.

2. The petitioner seeks bail in connection with

Nawada P.S. Case No. 377 of 2021 registered for the

offence under Sections 33, 34 and 36 of the Bihar

Prohibition and Excise Act, 2018.

3. The accused/petitioner is not named in the

F.I.R. and is in custody since 02.02.2023.

4. The allegation against the petitioner is to deal in

business of spurious liquor along with other co-accused

persons, whereafter, consumption of spurious liquor, one

person died.



5. Learned counsel appearing on behalf of the petitioner submitted that petitioner has been falsely implicated in the present case, on the basis of the confessional statement of co-accused, namely, Arvind Yadav, where, in furtherance thereof, nothing incriminating material surfaced/recovered, during course of investigation, which may connect this petitioner, *prima facie*, with the present set of occurrence or allegation of dealing in spurious liquor, as alleged. It is further submitted that petitioner is involved in 20 other similar nature of cases, where, in maximum of the cases, the name of the petitioner surfaced on the basis of confessional statement, as of present case, having no evidentiary value over merit of the case. Learned counsel for the petitioner further pointed out as petitioner and other co-accused persons are from same locality and as such talking over mobile phone is very obvious, where mere on the basis of call details, this petitioner cannot be implicated in this case. In support of his submission learned counsel relied upon the legal report of Hon'ble Supreme Court as available through **Prabhakar Tewari Vs. State of Uttar Pradesh**



and Another, reported as **[(2020) 11 SCC 648]**, where it was held that criminal antecedents are not the sole criteria for rejecting the bail of petitioner. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP, while opposing the prayer of bail, fairly conceded the fact that petitioner is not named in the FIR.

7. Considering the facts and circumstances as mentioned above, as nothing incriminating material surfaced/recovered, during course of investigation, which may connect this petitioner, *prima facie*, with the present set of allegation as to deal with spurious liquor coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Nawada P.S. Case No. 377 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/concerned court, subject to the conditions as
mentioned under Section 437 (3) of the Cr.P.C./Section
480 (3) of BNSS, with further conditions:-

“(i)That 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 of the
petitioner shall be deponent of the present
bail petition.”

(Chandra Shekhar Jha, J.)

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