

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45913 of 2024**

Arising Out of PS. Case No.-376 Year-2021 Thana- NAWADA District- Nawada

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Pramod Yadav @ Pramod Kumar SON OF RAMDEV 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. Chandra Bhushan Prasad

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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. 376 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 13.12.2022.

4. The allegation against the petitioner is to

involve in illegal trading of spurious liquor alongwith

other co-accused persons, where after consumption, the

husband of informant died.

5. Learned counsel appearing on behalf of the



petitioner submitted that name of this petitioner surfaced on the basis of confessional statement of co-accused Arvind Yadav, where in furtherance of which no incriminating material recovered/surfaced as to connect him, *prima facie*, with present occurrence. It is submitted that even from the narration of F.I.R. it can be safely gathered that the alleged illicit liquor was recovered from the house of co-accused Usha Devi after consumption of which the husband of informant died. It is submitted that as petitioner found involved in 19 more criminal cases of similar nature, out of suspicion, he was also named in present case without having any cogent material, whereas, in maximum of cases, the name of petitioner surfaced on the basis of confessional statement of co-accused as of the present case. While concluding the argument, it has been submitted that investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.



6. Learned APP opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above and by taking note of the fact as save and except confessional statement, nothing appears incriminating against this petitioner, where specific allegation as to purchase alleged spurious liquor causing death of husband of informant is available against co-accused Usha Devi coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 25.06.2021, accordingly, above named petitioner is directed to be released on bail in connection with Nawada (Town) P.S. Case No. 376 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge-1, Nawada, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C. with further conditions:

"(i) That the petitioner shall not indulge in similar nature of offence till



the conclusion of trial, failing which, the State shall be at liberty to move before the learned Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the learned Trial Court till the conclusion of trial and exemption from physical appearance be allowed by the learned 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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