

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45483 of 2024

Arising Out of PS. Case No.-373 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, Advocate
For the State : Mr. Upendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 28-06-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner seeks regular bail in connection with
Nawada (Town) P.S. Case No. 373 of 2021, dated 02.04.2021
registered for the offences punishable under Sections 33, 34 and
36 of the Bihar Prohibition and Excise Act, 2016.

3. The prosecution story 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 submits 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 there is no incriminating material recovered against the petitioner, except confession before the police which has no evidentiary value. He further submits that similarly situated co-accused persons have already been enlarged on bail by this Court *vide* orders dated 06.12.2022, 07.05.2024 and 17.05.2024, passed in Cr. Misc. Nos. 56388 of 2022 with 58021 of 2022 with 64165 of 2022, 34564 of 2024 and 37393 of 2024 respectively.

5. The petitioner has been languishing in jail since 08.12.2023.

6. It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Court for grant of regular bail and anticipatory bail. It has further been stated in paragraph no. 3 of the petition that the petitioner has 19 criminal antecedents.

7. However, the 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 a position to controvert the submission made by Ld. Counsel for the petitioner.

8. Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail on 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 Excise Judge-I, 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 hamper 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 them 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.

S.Ali/ravishankar

(Jitendra Kumar, J.)

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