

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50858 of 2024

Arising Out of PS. Case No.-382 Year-2021 Thana- NAWADA District- Nawada

Utpalkant @ Bablu Kumar Son of Sugan Prasad @ Sugan Yadav Resident of
Gondapur, P.S.- Nawada, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Parmanand Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 19-07-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Nawada Town P.S. Case No. 382 of 2021 instituted for the
offence under Sections 33, 34 & 36 of the Bihar Excise Act
(Amendment), 2016.

3. Prosecution case as emanated from the FIR is that
the husband of the informant died due to consumption of
spurious liquor which was purchased from the co-accused.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 21-05-2024. Petitioner
bears eighteen criminal antecedents, as per disclosure made in
paragraph No. 3 of the bail application.



5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. Petitioner is not named in the FIR, rather his name has sprung in this case on the basis of confessional statement of co-accused, namely, Arvind Yadav. The petitioner has no concern with the alleged occurrence. Charge sheet has been submitted in this case. Other co-accused has been granted bail by this Court vide order dated 21-06-2024, passed in Cr. Misc. No. 39951 of 2024.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner and charge sheet being submitted, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Nawada Town P.S. Case No. 382 of 2021, subject to the following conditions:



(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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