

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52828 of 2024

Arising Out of PS. Case No.-682 Year-2021 Thana- NAWADA District- Nawada

Sushant Dhar Son of Sachindra Chandra Dhar Resident of Vill- 85 Anandagar,
P.S.- Belthariya, District- North 24 Pargana (West Bengal)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Verma, Advocate

For the Opposite Party/s : Mr. Surendra Kumar, APP

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. 682 of 2021 registered for the

offence under Sections 33, 34 and 36 of the Bihar Excise

(Amendment) Act.

3. The accused/petitioner is not named in the

F.I.R. and is in custody since 28.04.2023.

4. The allegation against the petitioner is to be

involved in the trading/business of spurious liquor, where

one person died after consumption.



5. Learned counsel appearing on behalf of the petitioner submitted that the name of petitioner surfaced on the basis of confessional statement of co-accused, namely, Arbind Yadav, where in furtherance thereof, nothing surfaced/recovered during the course of investigation, which may connect this petitioner, *prima facie*, with present set of occurrence. It is submitted that petitioner named in present case only due to his criminal antecedent, as he is involved in 19 more criminal cases, where he is on bail in 7 cases. 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** as reported in **[(2020) 11 SCC 648]**, where it observes that criminal antecedents are not the sole criteria for rejecting the bail of petitioner. 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.

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



F.I.R.

7. In view of the facts and circumstances, as mentioned above, as nothing incriminating surfaced/recovered to connect this petitioner, *prima facie*, with the present set of occurrence coupled with the fact that chargesheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Nawada P.S. Case No. 682 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-Ist, 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 accused/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) That 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 shall be the deponent of the present bail petition.”

(Chandra Shekhar Jha, J.)

S.Tripathi/-

U		T	
---	--	---	--

