

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57065 of 2024

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

Sushant Dhar Son Of Late Sachindra Chandra Dhar R/O Village 8- 5
Anandgar, P.S. - Belthariya, District - North 24 Pragma (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. Akbar Ali, APP

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

ORAL ORDER

2 02-08-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in Nawada P.S. Case No.
382 of 2021, instituted for the offences punishable under
Sections 33, 34 and 36 of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, the husband
of the informant has died due to consumption of spurious liquor
which was purchased from the co-accused.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. No incriminating material has been recovered from
the conscious possession of the petitioner. The petitioner is not
named in the F.I.R. rather his name has sprung in this case on



the basis of confessional statement of co-accused Vidhan Yadav which has no evidentiary value. The petitioner is in custody since 21.05.2024 and has got eighteen one criminal antecedents. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted bail by this Court *vide* order dated 05.03.2024 passed in Cr. Misc. No. 6886 of 2024. There is no recovery of liquor in this case.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, the period of custody undergone by the petitioner and claim based on parity, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Nawada 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/-

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

