

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55399 of 2024

Arising Out of PS. Case No.-375 Year-2021 Thana- NAWADA District- Nawada

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SURAJ CHOUDHARY @ KARKU CHOUDHARY @ KARKU S/O RAJU
CHAUDHARY @ RAJO CHAUDHARY Resident of Village- Kharidi Bigha,
P.S.- Nawada (Nagar), 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 Opposite Party/s : Ms. Veena Kumari Jaiswal, APP

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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 (Nagar) P.S. Case No. 375 of 2021 registered for

the offence under Sections 33, 34 and 36 of Bihar

Prohibition and Excise Act.

3. The accused/petitioner is not named in the

F.I.R. and is in custody since 21.11.2022.

4. The allegation against the petitioner is to involve

in illegal activities of illicit liquor alongwith other co-accused

persons, where after consumption brother of informant died.



5. Learned counsel appearing on behalf of the petitioner submitted that the name of petitioner surfaced in present case during the course of investigation on the basis of confessional statement of co-accused Arbind Yadav, where no incriminating material recovered/surfaced during the course of investigation to connect this petitioner with present occurrence. It is submitted that as petitioner found involved in 20 cases of similar nature, his name also implicated with present case only on the basis of suspicion arises out of those 20 criminal antecedents, wherein also in almost all cases, name of petitioner surfaced on the basis of confessional statement, as of the present case. 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** reported as **[(2020) 11 SCC 648]**, where it held that criminal antecedents are not the sole criteria for rejecting the bail of petitioner. 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, as save and except confessional statement of co-accused no incriminating material recovered/surfaced to connect this petitioner with present occurrence of illegal trading of alleged spurious liquor, which cause death of the brother of informant, coupled with the fact that charge-sheet has already submitted, let the petitioner, above named, is directed to be released on bail in connection with Nawada (Nagar) P.S. Case No. 375 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-1, Nawada/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C./Section 480(3) of BNSS.

(Chandra Shekhar Jha, J.)

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