

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58449 of 2024

Arising Out of PS. Case No.-745 Year-2021 Thana- NAWADA District- Nawada

Ajit Kumar @ Ajit Yadav @ Rajeev Rai Son of Umesh Yadav R/o Village-
Gondapur, P.S.- Nawada Town, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Birendra Kumar, Adv.

For the Opposite Party/s : Ms.Sangeeta Sharma, APP

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

ORAL ORDER

2 09-08-2024 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. 745 of 2021 instituted for the offences
under Sections 33, 34, 36 of the Bihar Prohibition and Excise
Act, 2016.

3. As per prosecution case, one Shiv Shankar Yadav
died due to consuming spurious liquor. It is alleged that the
deceased purchased the said liquor from unknown person on the
occasion of Budhwa Holi.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case.



The name of the petitioner has surfaced in this case on the basis of confessional statement of the co-accused Utpal Kant. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. Charge-sheet has been submitted in this case bearing Charge Sheet No. 1785 of 2022 dated 31.10.2022. The petitioner has no concern with the alleged occurrence. The petitioner has altogether fourteen criminal antecedents and has been remanded in this case from Nawada P.S. Case No. 372 of 2021 on 26.08.2022 and since then, he is languishing in judicial custody without any rhymes or reason.

5. Learned counsel for the petitioner again submits that the co-accused namely Ranjeet Kumar @ Ranjeet Prasad has been granted bail by this Court vide order dated 21.06.2024 passed in Cr. Misc. No. 41193 of 2024.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner, let the petitioner, abovenamed, 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. 745 of 2021, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(iii) If the petitioner tampers with the evidence or the witnesses of the case by intimidating/pressurizing the witnesses, during the investigation or trial, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Rudra Prakash Mishra, J)

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