

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69115 of 2024

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

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Pramod Yadav S/o- Late Ramdev Yadav Resident of Village- Gondapur, P.S.-
Nawada, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Man Mohan Kumar

For the Opposite Party/s : Mr.Sanjay Kumar Sharma

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

2 20-09-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Nawada
(Nagar) P.S. Case No. 382 of 2021 instituted for the offences
under Sections 33, 34, 36 of the Bihar Prohibition and Excise
(Amendment) Act, 2018.

3. As per prosecution case, the husband of the
Informant has died after consuming spurious liquor. It is alleged
that the Informant, later on, came to know that her husband had
purchased wine from one Manti Devi and, thereafter, her
husband, Deen Dayal Mishra and Akhilesh Mistri consumed the
same. The other two persons are under treatment.

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



merely on the basis of suspicion. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. There is no direct or specific allegation of any overt act against the petitioner rather the same is general and omnibus in nature. The petitioner is not named in the F.I.R. and his name has transpired in this case on the basis of co-accused Arbind Yadav. Except confessional statement, there is nothing against the petitioner. The petitioner has no concern with the alleged occurrence. The petitioner has altogether nineteen (19) criminal antecedents but, all the cases are related to the same occurrence and the petitioner is not named in all these cases and has been made accused on the basis of confessional statement of the co-accused persons and is languishing in judicial custody since 05.04.2021 but remanded in judicial custody in this case since 21.05.2024.

5. Learned counsel for the petitioner again submits that the co-accused namely Suraj Choudhary @ Karku Choudhary has been granted bail by this Court vide order dated 21.06.2024 passed in Cr. Misc. No. 41540 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, stating that the offence alleged is serious in nature and the



petitioner has altogether nineteen criminal antecedents.

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 (Nagar) P.S. Case No. 382 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.

(Rudra Prakash Mishra, J)

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