

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78485 of 2023

Arising Out of PS. Case No.-384 Year-2021 Thana- NAWADA District- Nawada

Bipin Kumar @ Kamlesh Kumar @ Bipin Yadav Son Of Isho Yadav R/O
Village- Gondapur, P.S.- Nawada, Dist. - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Man Mohan Kumar

For the Opposite Party/s : Mr.Atul Chandra

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 23-01-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case
instituted for the offence under Sections 33, 34, 36, 44 of the
Bihar Prohibition and Excise Act.

3. As per prosecution case, it is alleged that on a
confidential information that some persons are engaged in
manufacturing and selling spurious hooch, conducted raid and
in course of such raid 15 liters of illicit liquor with empty
polythene was recovered from the house of co-accused Manti



Devi. It is further alleged that on account of consumption of spurious liquor, several persons fell ill and one of them died.

4. It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case. He has committed no offence. Petitioner is not named in the FIR. The name of the petitioner has come into light on the basis of confessional statement of co-accused Arvind Kumar, which has got no evidentiary value in the eyes of law. From the perusal of the FIR, it is evident that there is no specific allegation against the petitioner. On the basis of suspicion and due to his criminal antecedents, he has been falsely implicated in the present case. He further submitted that the others co-accused have already been granted bail by a Co-ordinate Bench vide order dated 17.08.2022/16.09.2022 passed in Cr. Misc. No. 59266 of 2021/38231 of 2022. He is languishing in judicial custody since 14.03.2022.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged



on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Judge-1st, Nawada in connection with Nawada P.S. Case No. 384 of 2021.

(Sunil Kumar Panwar, J)

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