

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84041 of 2024

Arising Out of PS. Case No.-682 Year-2021 Thana- NAWADA District- Nawada

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Ajit Kumar @ Ajit Yadav @ Rajeev Rai Son of Umesh 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. Birendra Kumar, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 13-12-2024 Heard the parties.

2. The petitioner seeks bail in connection with

Nawada P.S. Case No. 682 of 2021 registered for the

offence under Sections 33, 34 and 36 of the Excise Act.

3. The petitioner is not named in the F.I.R. and

is in custody since 25.02.2022.

4. The allegation against the petitioner is to be

involved in the trading/business of spurious liquor, where

one person died after consumption.

5. Learned counsel appearing on behalf of the

petitioner submitted that the name of petitioner surfaced

in this case on the basis of confessional statement of the



co-accused, namely, Arvind Yadav and Vidhan Kumar, where in furtherance of nothing surfaced/recovered during the course of investigation, which may connect this petitioner, *prima facie*, with present set of occurrence/recovery of illicit liquor. It is submitted that the reason for false implication is on the basis of suspicion arising out of criminal antecedents of the petitioner as he found involved in 20 more criminal cases of similar nature, where in maximum of these cases he is on bail and his name transpired on the basis of confessional statement of co-accused persons, as of the present case having no evidentiary value under law. While concluding the argument, it has been submitted that investigation of this case has been completed long back, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP, while opposing the prayer of bail, fairly conceded that petitioner is not named in F.I.R.

7. Considering the facts and circumstances as



mentioned above, as no illicit liquor recovered/ incriminating material surfaced in furtherance of confessional statement of co-accused against this petitioner coupled with the fact that the charge-sheet has been already submitted, where petitioner above named is in custody since 25.02.2022, accordingly, petitioner above named, is directed to be released on bail in connection with Nawada P.S. Case No. 682 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 1st, Nawada, subject to the following conditions:

“(i) That the accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.



*(iii) That one of the bailors shall be
deponent of the present bail petition.”*

(Chandra Shekhar Jha, J)

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