

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10135 of 2025

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

Pinku Yadav @ Chandan Kumar Son of Late Chhotan Yadav village-
Gondapur, Ps- Nawada town, Dist- 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 : Mr.Parmanand Prasad, APP

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

ORAL ORDER

2 21-02-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Nawada
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, the petitioner is said to be
indulged in manufacturing and selling of spurious liquor. It is
alleged that on the eve of Holi, one Shiv Shankar Yadav
consumed spurious liquor and got died.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in the
present case with false and frivolous allegations. The petitioner



has not committed any offence as alleged in the F.I.R. The petitioner is not named in the F.I.R. The name of the petitioner has surfaced in this case on the basis of the confessional statement of the co-accused Utpal Kant which has no eventiary value in the eye of law and he has already been granted bail by a Coordinate Bench of this Court vide order dated 25.05.2023 passed in Cr. Misc. No. 32128 of 2023. He further submits that nothing incriminating has been recovered from the conscious/physical possession of the petitioner. Learned counsel for the petitioner submits that 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 has altogether 28 criminal antecedents. The petitioner has been remanded in this case from Nawada P.S. Case No. 376 of 2021 on 22.08.2024 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 Tirloki Prasad has been granted bail by a Coordinate Bench of this Court vide order dated 22.08.2023 passed in Cr. Misc. No. 37436 of 2023.

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 against the petitioner is serious in nature. The petitioner has altogether 28 criminal antecedents and, hence, he does not deserve bail.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case, the period of custody of the petitioner and the prayer for bail being based on parity, 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 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.

(iv) If the petitioner is found indulged in any criminal activity or commission of any crime after being released on bail, the prosecution will be at liberty to file an appropriate application before the court below for cancellation of his bail.

(Rudra Prakash Mishra, J)

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