

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5681 of 2025

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

Arvind Yadav Son of Late Chhotan Yadav Resident of Village- Gondapur,
P.S.- Nawada (Nagar), District- Nawada,

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Man Mohan Kumar, Advocate

For the Opposite Party/s : Mrs. Asha Devi, APP

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

ORAL ORDER

2 30-01-2025 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. 745 of 2021, instituted for the offences punishable under Sections 33, 34 and 36 of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, one Shiv Shankar Yadav died due to consuming spurious liquor. It is further alleged that the deceased purchased the said liquor from unknown person.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for



the petitioner also submits that the petitioner is not named in the FIR. Name of the petitioner has transpired in this case on the basis of confessional statement made by co-accused, namely, Manti Devi and the same has got no evidentiary value. The petitioner is in custody since 07.04.2021 and has got twenty criminal antecedents. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted bail by this Court vide order dated 09.08.2024 passed in Cr. Misc. No. 58449 of 2024.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail ***after framing of charge, if not already framed*** on furnishing bail bonds of Rs. 10,000/- (Rupees 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. 745 of 2021, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.



(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Rajorshi/-

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