

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45739 of 2023

Arising Out of PS. Case No.-375 Year-2021 Thana- NAWADA District- Nawada

Sushantdhar, Son of Sachchida Chandra Dhar, Resident of Mohalla House
No. 85 Anand Ghat Belghariya, North 24 Pargana Belghariya, West Bengal

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gauri Shankar Prasad, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 21-02-2025 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

2. The petitioner seeks bail in connection with Nawada
Town P.S. Case No. 375 of 2021 registered for the offence under
Sections 33, 34 and 36 of the Bihar Prohibition and Excise Act,
2016.

3. The accused/petitioner is not named in the F.I.R. and
is in custody since 28.02.2021.

4. The allegation against the petitioner is to involve in
illegal activities of illicit liquor alongwith other co-accused persons,
where after consumption brother of the informant died.

5. Learned counsel appearing on behalf of the petitioner
submitted that the name of petitioner surfaced in present case



during the course of investigation on the basis of confessional statement of co-accused Vidhan Yadav @ Vidhan Kumar, where in furtherance of which no incriminating material recovered/surfaced during the course of investigation as to connect this petitioner *prima facie* with present occurrence. It is pointed out that the said co-accused Vidhan Yadav has already granted bail by this Court through Cr. Misc. No. 34349 of 2023 dated 27.06.2023. Arguing further, it is submitted that as petitioner found involved in 9 cases of similar nature, his name also implicated with present case, only on the basis of suspicion arising out of those 9 criminal antecedents, wherein also in almost all cases, name of petitioner surfaced on the basis of confessional statement, as of the present case, where he is on bail. While concluding the argument, it has been submitted that investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer of bail.

7. Considering the facts and circumstances and by taking note of the fact as save and except suspicion arising out of confessional statement of co-accused, no incriminating material recovered/surfaced during course of investigation as to connect petitioner *prima facie* with present occurrence of illegal trading of



alleged spurious liquor, which cause death of the brother of the informant coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 28.02.2021, let the petitioner, above named, is directed to be released on bail in connection with Nawada Nagar P.S. Case No. 375 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/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C./Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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