

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58979 of 2025

Arising Out of PS. Case No.-376 Year-2021 Thana- NAWADA District- Nawada

Pinku @ Chandan Kumar @ Chandan Yadav @ Pinku Yadav S/O Late
Chhottan Yadav R/O Vill- Gondapur, P.S- Nawada, 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. Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 19-09-2025 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with Nawada
P.S. Case No. 376 of 2021 registered for the offences under
Sections 33, 34 and 36 of the Bihar Prohibition and Excise Act.

3. The petitioner is not named in the F.I.R. and is in
custody since 04.08.2024.

4. The allegation against the petitioner is to be engage
in illegal trading/manufacturing of illicit liquor, where, husband of
informant died after consumption.

5. Learned counsel appearing on behalf of the petitioner
submitted that name of petitioner transpires on the basis of
confessional statement of Usha Chaudhary, in furtherance of



which nothing incriminating recovered/surfaced as to connect this petitioner prima-facie with the present occurrence. It is also submitted that said co-accused Usha Chaudhary has already granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 34060 of 2023 dated 25.05.2023 and therefore, on the ground of judicial parity this petitioner also deserves bail. It is pointed out that out of police atrocities petitioner after present occurrence in succession was implicated with 22 more cases of similar nature and in most of the cases his name appears on the basis of confessional statement of co-accused, as of the present case, having otherwise no evidentiary value under law. It is submitted that merely on the ground of criminal antecedents prayer of bail of petitioner should not ordinarily be rejected, if merit of this case appears in favour of petitioner. In support of his submission learned counsel relied upon the legal report of Hon'ble Supreme Court as available through **Prabhakar Tewari Vs. State of Uttar Pradesh and Another, [(2020) 11 SCC 648]**. While concluding the argument it is submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State,



opposes the prayer for bail.

7. In view of the facts and circumstances as mentioned above as save and except suspicion arising out of confessional statement of co-accused nothing prima-facie incriminating appears against this petitioner as to connect him with the present occurrence, coupled with the fact as petitioner is in custody since 04.08.2024, where investigation has already completed, accordingly, petitioner, above named, is directed to be released on bail in connection with Nawada P.S. Case No. 376 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-1, Nawada/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C./Section 480(3) of the B.N.S.S.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

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