

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89916 of 2024

Arising Out of PS. Case No.-377 Year-2021 Thana- NAWADA District- Nawada

Arvind Yadav @ Aravinda Yadav S/O 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, Adv

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 10-01-2025 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 (Nagar) P.S. Case No. 377 of 2021
registered for the offences under Sections 33, 34
and 36 of the Bihar Prohibition and Excise Act,
2016.

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 engage in manufacturing of spurious liquor
alongwith other co-accused persons, wherein after
consumption of said spurious liquor one person
died.



5. Learned counsel appearing on behalf of the petitioner submitted that petitioner falsely implicated in the present case on the basis of confessional statement as made by co-accused namely Manti Devi, in furtherance thereof no incriminating material was recovered/surfaced during the course of investigation, which may connect petitioner with the said occurrence or allegation as to deal with spurious liquor. It is further submitted the petitioner found involved in 20 more cases of similar nature and out of suspicion arising out of said criminal antecedents he was also implicated with the present case without having any connecting evidence. It is pointed out that in maximum number of cases his name transpired on the basis of confessional statement of co-accused as of present case, having otherwise no evidentiary value. It is pointed out that petitioner and man who died are from same locality and are known to each other, therefore merely on the basis of CDRs they cannot be said to be involved in manufacturing and selling of



spurious liquor or to draw any conspiracy. 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, while opposing the prayer for bail fairly conceded that petitioner is not named in the FIR.

7. In view of the facts and circumstances as mentioned above as save and except suspicion arising out of confessional statement of co-accused Manti Devi, where prima-facie, nothing incriminating appears against this petitioner, coupled with the fact as petitioner is in custody since 25.02.2022, where charge-sheet has already submitted, accordingly, petitioner, above named, is directed to be released on bail in connection with Nawada (Nagar) P.S. Case No. 377 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./ 480(3) of the BNSS.

(Chandra Shekhar Jha, J.)

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