

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.11690 of 2017

Arising Out of PS.Case No. -348 Year- 2016 Thana -GOPALGANJ TOWN District- GOPALGANJ

1. Laljhari Devi, Wife of Late Buni Pasi Resident of Village-Khajurbani,
P.S.-Gopalganj, District-Gopalganj Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh

For the Opposite Party/s : Mr. Sri Arun Kumar Pandey

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA**

ORAL ORDER

3 25-04-2017 Heard both sides.

The petitioner seeks bail in Gopalganj Town P.S. case No. 348 of 2016 under Section 328, 304, 120B, 34 of the Indian Penal Code and under Section 50 (a) (b) (c) of the Bihar Excise Amendment Act, 2016.

The informant, Police Inspector, Sadar Anchal, Gopalganj alleged that he got information that many persons complained of vomiting after consuming liquor. Some persons died and some persons were under treatment in Sadar Hospital, Gopalganj. The informant along with other police officers went for enquiry. Bandhu Ram, one of the patients under treatment, disclosed that he consumed liquor in the house of Nagina Pasi on 16.08.2016 and thereafter he complained of vomiting and other complications. Bandhu Ram disclosed the name of Chathu Pasi, Ranjay Kumar Pasi, Sanjay Kumar Pasi, Munna Pasi, Rajesh



Choudhary, Sanoj Kumar, Kanhaiya Pasi, Laljhari Devi, the petitioner, Nagina Pasi, Lal Babu Pasi, wife of Binda Choudhary, Reeta Devi, Grahan Pasi and Indu Devi.

The learned counsel for the petitioner submits that petitioner is a widow. Huge quantity of country made liquor was recovered from the house of Nagina Pasi and thereafter the police showed recovery of small quantity of liquor from the house of petitioner and others. Kanhaiya Pasi, son of the petitioner, is also made accused in the case. For recovery of liquor Gopalganj Town P.S. case No. 347 of 2016 was registered and the present case being Gopalganj Town P.S. case No. 348 of 2016 was registered thereafter. The learned counsel for the petitioner further submits that Kanhaiya Pasi has been made accused for recovery of country made liquor and the petitioner is also made accused. The petitioner did not sell any liquor nor petitioner is involved in manufacturing of liquor. Similarly situated accused Reeta Pasi has already been granted bail vide order dated 30.03.2017 passed in Cr. Misc. No. 7328 of 2017. It is further submitted that Bandhu Ram made his statement in paragraph 82 of the case diary but he did not disclose the name of the petitioner. Other accused persons, namely, Chathu Pasi, Lal Babu Pasi have been granted bail on the ground that similarly situated accused persons have already been granted bail



vide orders passed in Cr. Misc. Nos. 11828/ 2017, 11224/ 2017 and in Cr. Misc. No. 6386 of 2017 but it appears that petitioners of Cr. Misc. Nos. 11828, 11224 and 6386 of 2017 were granted bail in Gopalganj Town P.S. case No. 347 of 2016. The aforesaid case, i.e., Gopalganj Town P.S. case No. 347 of 2016, was registered for recovery of country made liquor from the house of petitioner and others.

It appears that petitioner is a lady and her son Kanhaiya Pasi has also been made accused in the case. Similarly situated accused, Reeta Pasi, whose son Rajesh Choudhary was also made accused, has been granted bail vide order passed in Cr. Misc. No. 7328 of 2017. The petitioner being a lady is in jail for more than six months.

Considering the facts aforesaid and the nature of allegation made against the petitioner, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gopalganj in Gopalganj Town P.S. Case No. 348 of 2016.

(Prabhat Kumar Jha, J)

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