

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22872 of 2018

Arising Out of PS.Case No. -155 Year- 2017 Thana -RAJAPAKAR District- VAISHALI(HAJIPUR)

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Adalat Paswan, Son of Late Ramprit Paswan @ Ramprit Bhagat, R/o-
Village Basauli, P/S-Rajapakar, (Baranti O.P.) District-Vaishali.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Alok Kumar Alok

For the Opposite Party/s : Mr. Dinesh Singh

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

6 27-06-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in a case registered for the
offence punishable under Sections 328 and 302 of the Indian Penal
Code and Sections 34(B)(1)/37(D)(1) of the Bihar Prohibition and
Excise Act, 2016.

Father of the informant namely Arun Kumar Patel
and three other persons are said to have died consuming liquor at
the toddy shop of the petitioner.

It is submitted by learned counsel for the petitioner
that no incriminating article has been recovered from the
conscious physical possession of the petitioner. He has no concern
with the aforesaid occurrence. He has been falsely implicated in



the case due to dirty village politics and at the instance of his enemies. He happens to be licensee toddy vendor and he never vended any illicit liquor at his shop. There is no eye witness of consuming liquor at his shop by the deceased. No liquor was seized either from the shop or from the possession of the petitioner. Even other persons who are said to have consumed liquor at the shop of the petitioner along with the deceased have not been examined by the I.O. Though four persons are said to have died consuming liquor, but only post mortem report of Arun Kumar Patel and Mohan Paswan is on record and death of rest two persons is not ascertained. As per the inquest report, death of Arun Kumar Patel is said to be due to heart failure and other disease. Witness in Para-31 of the case diary has also stated that Arun Kumar Patel was suffering from Asthama and he has died due to said disease. Though viscera report of Arun Kumar Patel suggests that Mithyl Alcohol was found in the said viscera but the doctor has opined the cause of death due to septicemia. Viscera of the deceased Mohan Paswan has been preserved for chemical examination and viscera report has not yet been received. Confessional statement of the petitioner recorded by the police has no evidentiary value in the eye of law. Petitioner has no criminal antecedent. He has been languishing in custody since 18.11.2017.



Considering the facts aforesaid, 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 A.D.J.-II cum Special Judge, Excise Act, Vaishali at Hajipur in connection with Rajapakar P.S. Case No. 155 of 2017.

(Prakash Chandra Jaiswal, J)

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