

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26596 of 2018

Arising Out of PS. Case No.-51 Year-2017 Thana- KACHHAWA District- Rohtas

Shashi Singh S/o Shivjag Singh resident of Village- Danwar, P.S. - Kachhawa,
District - Rohtas.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Singh

For the Opposite Party/s : Mr. S.M. Rahman

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

ORAL ORDER

4 21-06-2018 Heard learned counsel for the petitioner and
learned APP for the State.

The petitioner seeks bail in connection with
Kachhawa P.S. Case No. 51 of 2017 registered under Sections
302, 328, 34 of the Indian Penal Code and Sections 30(a), 34(a),
34(b), b (i), b(ii), 35, and 38 of Bihar Prohibition and Excise
Act-2016.

Three persons namely, Dhanjeet Singh, Harihar
Singh and Uday Singh are said to have died consuming liquor in
the *dalan* of the petitioner after purchasing of the same from the
petitioner while Kamlesh Singh has died consuming liquor
purchasing from Mukesh Singh. Jugari Singh and Sonu Thakur
are said to have been supplying the aforesaid liquor after



brewing the same.

It is submitted by learned counsel for the petitioner that the petitioner has no concern with the aforesaid occurrence. His name has transpired merely on the basis of suspicion. There is no eye witness of consuming the liquor by the deceased after purchasing from the same from the petitioner and there is also no other substantial evidence to suggest the complicity of the petitioner in the occurrence. No incriminating article has been recovered from conscious physical possession of the petitioner. Charge-sheet in the case has already been submitted and there is no allegation of tampering of witnesses against the petitioner. Confessional statement of petitioner recorded by the police has not led to any recovery and moreover said confessional statement has no evidentiary value in the eye of law. He has been languishing in custody since 31.10.2017. Similarly situated co-accused, namely, Mukesh Singh has been enlarged on bail by a co-ordinate Bench of this Court vide order dated 2.04.2018 passed in Cr. Misc. no. 13897 of 2018 while alleged supplier of the aforesaid liquor, namely, Ajit Singh @ Jugari Singh @ Jugari has also been enlarged on bail by a co-ordinate Bench of this Court vide order dated 09.03.2018 passed in Cr. Misc. no. 9841 of 2018.



In the facts and circumstances of the case, 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 Additional Sessions Judge-II-cum-Special Judge, Excise, Rohtas at Sasaram in connection with Kachhawa P.S. Case No. 51 of 2017.

(Prakash Chandra Jaiswal, J)

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