

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6891 of 2022

Arising Out of PS. Case No.-727 Year-2021 Thana- SARAIYA District- Muzaffarpur

1. AMIT KUMAR @ BITTU S/O DHANESHWAR SINGH R/o village- Rupouli, P.S.- Saraiya, District- Muzaffarpur
2. Santosh Mahto S/o Ramdev Mahto R/o village- Rupouli, P.S.- Saraiya, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 38217 of 2022

Arising Out of PS. Case No.-727 Year-2021 Thana- SARAIYA District- Muzaffarpur

PRASHANT KUMAR S/o Surendra Prasad Singh R/o Village- Pokhraiya, P.S.- Saraiya, District- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 6891 of 2022)

For the Petitioner/s : Mr. Mukesh Kumar, Advocate

For the Opposite Party/s : Dr. Kumar Uday Pratap, APP

(In CRIMINAL MISCELLANEOUS No. 38217 of 2022)

For the Petitioner/s : Mr. Rajiv Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 05-09-2022

IN CR. MISC. NO. 6891 OF 2022

Heard learned counsel appearing on behalf of the petitioners and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

Learned counsel for the petitioners is permitted to make necessary correction in prayer portion of the present bail petition, during course of day.



The petitioners seek bail in connection with Saraiya P.S. Case No. 727 of 2021 registered for the offence under Sections 272/273/284/328/307/302/34/120(B) of the Indian Penal Code and Sections 30(a), 30(C), 37(B) of the Bihar Excise and Prohibition Act, 2018.

The accused/petitioners are named in the F.I.R. and are in custody since 31.10.2021.

The allegation against the petitioners is to organize a party on the eve of winning of election of 'Ward Member', where spurious liquor was served, causing death of 4 persons and where several persons become severe ill after consuming the same.

Learned counsel appearing on behalf of the petitioners submitted that nothing surfaced during course of investigation, which may suggest that petitioners were associated with manufacturing of spurious liquor, as alleged. It is also submitted that site of party is not connected with the petitioners, in any manner, as same belongs to co-accused, namely, Dhiresh Kumar @ Goltu. It is also submitted that implication is due to political rivalry and there is no occasion to organize a party after one month of election result. It is also submitted that this is not a case of recovery of illicit liquor from the conscious physical



possession of the petitioners. It is also submitted that petitioners are man of clean antecedent. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing for the State, opposes the prayer for bail.

Considering the facts and circumstances as mentioned above, as no spurious liquor from the conscious physical possession of the petitioners was recovered where alleged party site belongs to other co-accused coupled with the fact that charge-sheet has already been submitted, let both the petitioners, above named, are directed to be released on bail in connection with Saraiya P.S. Case No. 727 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge Excise, Court No.II, Muzaffarpur/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

IN CR. MISC. NO. 38217 OF 2022

Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period



of four weeks from today.

The petitioner seeks bail in connection with Saraiya P.S. Case No. 727 of 2021 registered for the offence under Sections 272/273/284/328/307/302/34/120(B) of the Indian Penal Code and Sections 30(a), 30(C), 37(B) of the Bihar Excise and Prohibition Act, 2018.

The accused/petitioner is named in the F.I.R. and is in custody since 10.03.2022.

The allegation against the petitioner is to organize a party on the eve of winning of election of 'Ward Member', where spurious liquor was served, causing death of 4 persons and where several persons become severe ill after consuming the same.

Learned counsel appearing on behalf of the petitioner submitted that there is no recovery of spurious liquor from conscious physical possession of the petitioner. It is also submitted that the petitioner is no way connect with the alleged party site. It is also submitted that petitioner is a man of clean antecedent. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.



Learned APP appearing for the State, opposes the prayer for bail.

Considering the facts and circumstances as mentioned above, as recovery of spurious liquor was not made from conscious physical possession of the petitioner and also the site of party is not connected in any manner coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Saraiya P.S. Case No. 727 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 Special Judge Excise Court No.II, Muzaffarpur/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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