

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14925 of 2022

Arising Out of PS. Case No.-347 Year-2016 Thana- GOPALGANJ TOWN District-
Gopalganj

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Rupesh Shukla @ Pandit S/o Dhaneshwar Shukla Resident of Village-
Jalalpur, P.S.- Jamo, District- Siwan. At present residing at village-
Harakhuwa Badhayee tola, P.S. and Dist- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Satyendra Narayan Singh, Advocate
For the State	:	Mr. Lakshmi Kant Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 21-11-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

The petitioner seeks bail in connection with Gopalganj
Town P.S. Case No. 347 of 2016 registered for the offence under
Sections 272 and 273 of Indian Penal Code and 47(A) and 57 of
the Bihar Prohibition and Excise (Amendment) Act, 2016.

The accused/petitioner is not named in the F.I.R. and
is in custody since 07.11.2021.

The allegation against the petitioner is to be involved
in trade/business of spurious liquor, along with other named co-
accused persons, wherein after consumption, of spurious liquor
17 persons died.



Learned counsel appearing on behalf of the petitioner submitted that name of petitioner surfaced on the basis of confessional statement of co-accused, namely, Nagina Pasi, in furtherance thereof, no incriminating material surfaced/recovered, during the course of investigation from this petitioner, which may connect him, *prima facie*, with the present occurrence. It is further submitted that said co-accused, Nagina Pasi, was acquitted by this Hon'ble High Court through Cr. Appeal (D.B.) No. 351 of 2021 dated 13.07.2022. It is further submitted that even by taking note of the confessional statement of co-accused, the maximum allegation what surfaced against this petitioner is to supply one homeopathic medicine, Thuja-30 to increase the degree of toxicity, which was also not found, during the course of investigation, from the possession of the petitioner. It is further submitted that the 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 on behalf of the State, while opposing the prayer of bail, fairly conceded the fact that petitioner is not name in the F.I.R.



Considering the facts and circumstances as mentioned above, as no incriminating material recovered/surfaced, during the course of investigation to connect this petitioner with the present occurrence, where petitioner is a man of clean antecedent 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 Gopalganj Town P.S. Case No.347 of 2016 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, subject to following conditions:

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be



allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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