

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16099 of 2022

Arising Out of PS. Case No.-162 Year-2021 Thana- LAURIA District- West Champaran

Saroj Sahni S/o Sahdev Sahni R/o Village - Nauka Tola, Jagdishpur, P.S.- Jagdishpur, District-W. Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 20487 of 2022

Arising Out of PS. Case No.-162 Year-2021 Thana- LAURIA District- West Champaran

1. Thag Sah @ Suresh Sah son of Late Raghuni Sah Resident of Village - Deurva, P.S. - Lauriya, District - West Champaran (Bihar).
2. Sujeet Kumar Sah @ Sujeet Kumar Son of Thag Sah @ Suresh Sah Resident of Village - Deurva, P.S. - Lauriya, District - West Champaran (Bihar).

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 23599 of 2022

Arising Out of PS. Case No.-162 Year-2021 Thana- LAURIA District- West Champaran

Lajim Ansari Son of Raju Ansari Resident of Village - Prakash Nagar (Narkatiyaganj), Ward No. 12, P.S. - Shikarpur, District - West Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 16099 of 2022)

For the Petitioner/s : Mr. Aprajita, Adv.

For the Opposite Party/s : Mr. Sharda Kumari, APP

(In CRIMINAL MISCELLANEOUS No. 20487 of 2022)

For the Petitioner/s : Mr. Saket Tiwary, Adv. With
Mr. Anurag Singh, Adv.

For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

(In CRIMINAL MISCELLANEOUS No. 23599 of 2022)

For the Petitioner/s : Mr. Ram Adya Singh, Adv.

For the Opposite Party/s : Mr. Pronoti Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

5 22-11-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners seek regular bail in connection with
Lauriya P.S. Case No. 162 of 2021 lodged under Sections 30(a),
33, 37(c) of Bihar Prohibition and Excise Act.

As per the prosecution case, it has been alleged in the
F.I.R. by the informant that in the morning of 09.07.2021 her
husband went to the field for agricultural work, after one hour
when he returned, started vomiting. He also complained about
other troubles, upon repeated query he disclosed that he returned
after taking wine from 3 named accused persons who are not
petitioners in the present 3 cases. The informant made allegation
against 3 named accused persons that they have provided wine
forcefully to the deceased, informant immediately went to the
nearest Doctor who use oxygen after admitting in his clinic, but
within 45 minutes the husband of informant died. Allegation has
been made against 3 named persons about which the deceased
had disclosed their name to the informant.

Learned counsel for the petitioners submit that the

petitioners are not named in the F.I.R. Learned counsels submits that during investigation, their names have figured in this case as the carrier for distributing spirits in the locality but there is no recovery from their possession, only confessional statement of present petitioners as well as to the other accused persons, not named in the F.I.R. are there. Learned counsel for the petitioner of Cr. Misc. No. 16099 of 2022 submits that petitioner is in custody since 25.01.2022, charge sheet has already been filed and total 9 cases pending of which 7 cases original and 2 cases by supplementary in which he is on bail in all the cases.

Learned counsel for the petitioners of Cr. Misc. No. 20487 of 2022 submits that petitioners are in custody since 21.12.2021 and petitioner No. 1 has 4 criminal antecedent in which he is on bail in 3 cases and in 1 case, he is persuading for bail. Learned counsel for the petitioners submits that Petitioner No.2 has 5 criminal antecedent in which he is on bail in 4 cases and in 1 case, he is persuading for bail.

Learned counsel for the petitioner of Cr. Misc. No. 23599 of 2022 submits that petitioner is in custody since 21.12.2021 and charge sheet has already been framed in this case.

Learned counsel for the State opposes the prayer for

bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioners above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge Excise, W. Champaran in connection with Lauriya P.S. Case No. 162 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioners shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioners.

C. The petitioners shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application of Cr. Misc.
No. 16099 of 2022, Cr. Misc. no. 20487 of 2022 and Cr. Misc.
No. 23599 of 2022 stands allowed.

(Dr. Anshuman, J.)

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