

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18171 of 2022

Arising Out of PS. Case No.-418 Year-2021 Thana- PATORI District- Samastipur

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Dhanu Kumar Son of Sri Shambhu Rai @ Abhilakh Rai Resident of Village -
Rupauli Chakseema, P.S. - Patori, District - Samastipur, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh, Advocate

For the Opposite Party/s : Ms. Rita Verma, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 03-08-2022 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 Patori
P.S. Case No. 418 of 2021 registered for the offence under
Sections 272, 273, 307, 328, 302, 120(B) and 34 of the Indian
Penal Code and Sections 30(a), 33, 34 and 36 of the Bihar
Prohibition and Excise (Amendment) Act, 2018.

The accused/petitioner is not named in the F.I.R. and
is in custody since 26.12.2021.

The allegation against the petitioner is to sell spurious
poisonous liquid, after consumption of which four persons died.

Learned counsel appearing on behalf of the petitioner
submitted that the petitioner has been implicated in this case



only being the son of co-accused, Shambhu Rai @ Abhilakh Rai. It is submitted that there is no recovery of spurious poisonous liquid and also that no chemical or forensic report is available for the same. It is further submitted that the nothing incriminating surfaced/recovered during the course of investigation, which may connect the petitioner with the present set of occurrence. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has 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 that nothing incriminating surfaced/recovered during the course of investigation against the petitioner.

Considering the facts and circumstances as mentioned above, as no spurious poisonous liquor recovered from the possession of the petitioner, who is a man of clean antecedent and further no chemical/forensic report is available coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Patori P.S. Case No. 418 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 Additional District Judge-II-cum-Special Judge, Excise-II, Samastipur/concerned Court, subject to the following conditions:

“(i) That 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.

(ii) That one of the bailors shall be Chandan Kumar, who is the deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-

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