

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19754 of 2022

Arising Out of PS. Case No.-415 Year-2021 Thana- NAUTAN District- West Champaran

Sipahi Yadav S/o Late Paras Yadav Resident of Ramnagar Bairiya, P.S. -
Nautan, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Md. Anbzarul Haque Sahara, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 16-08-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP 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 Nautan
P.S. Case No. 415 of 2021, registered for the offence under
Sections 272, 273, 328, 307, 304 and 120B of the Indian Penal
Code and Sections 30(a), 37B, 33 and 34 of the Bihar
Prohibition and Excise Act.

The accused/petitioner is not named in the F.I.R. and
is in custody since 08.02.2022.

The allegation against the petitioner is to involve in
sale/trading of spurious poisonous liquid, where altogether 13
persons died after consuming it.



Learned counsel appearing on behalf of the petitioner submitted that this is not a case, where there is any recovery from the conscious physical possession of the petitioner. It is submitted that only on the basis of hearsay witness and post mortem report of the deceased, the innocent petitioner has been falsely implicated in the present case. It is further submitted that except suspicion, nothing surfaced 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 no spurious liquor recovered from the possession of the petitioner.

Considering the facts and circumstances as mentioned above, as nothing surfaced during the course of investigation, which may suggest, *prima facie*, that petitioner was involved in the business of spurious liquor coupled with the fact that petitioner is a man of clean antecedent, where chargesheet has already been submitted, let the petitioner, above named, is



directed to be released on bail in connection with Nautan P.S.
Case No. 415 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,
Bettiah, West Champaran/concerned Court, subject to the
conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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