

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22788 of 2022

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

VIKASH KUMAR S/o Sri Munna Ram Resident of Village- Dakshin Telhua,
P.S.- Nautan, District- West Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Surendra Kumar

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-07-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State

through virtual Court proceedings.

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), 37(b), 33 and 34 of the Bihar
Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 17.11.2022.

The allegation against the petitioner is to commit
culpable homicide not amounting to murder by



serving/supplying spurious/illicit liquor.

Learned counsel appearing on behalf of the petitioner submitted that petitioner himself is victim of circumstances for the reason that FIR, itself speaks that the petitioner became ill after consuming the said alleged spurious liquor. It is submitted that admittedly, this is not a case of recovery of illicit liquor from conscious physical possession of the petitioner. It is submitted that there is no involvement of petitioner in serving of spurious liquor and further nothing surfaced during course of investigation, which may suggest that petitioner supplied spurious liquor to the deceased. It is also submitted that petitioner is involved in one other case, in which, he is on bail.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that petitioner himself became ill after consuming alleged spurious liquor, as per FIR.

Considering the facts and circumstances as mentioned above, as the alleged recovery of spurious liquor has not been made from the physical possession of the petitioner and nothing surfaced during course of investigation, which may connect the petitioner, *prima-facie* with the present set of occurrence 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 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, West Champaran at Bettiah/concerned court, subject to the following conditions:

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, 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 Suganti Devi who is the mother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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