

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23268 of 2022

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

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Rohit Kumar Son of Mithilesh Bahagat R/O- Village-Bahadurpur Patori Ward
No.-8, P.S.- Patori, District-Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 08-08-2022 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 Shahpur
Patori P.S. Case No. 418 of 2021 registered for the offence
under Sections 272, 273, 307, 328, 302, 120B 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 13.11.2021.

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 allegation against the petitioner is limited only to talk with main accused, namely, Shambhu Rai over telephone, which is registered in the name of the petitioner's mother. It is submitted that save and except suspicion, nothing incriminating 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 nothing incriminating surfaced/recovered against the petitioner, during the course of investigation.

Considering the facts and circumstances as mentioned above, as recovery of spurious liquor cannot be said to be made from the conscious physical possession of the petitioner, who is a man of clean antecedent 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 Shahpur 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 Special Judge, Excise-II, Samastipur, District- Samastipur/concerned Court, subject to the following conditions:

“(i) That accused/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) 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.

(iii) That one of the bailors shall be Chandrakala Devi, who is the mother of the petitioner and deponent of the present bail petition.



(iv) That if the petitioner tampers with the evidence or witnesses in any manner, the Trial Court shall be at liberty to cancel the bail bond of the petitioner.”

(Chandra Shekhar Jha, J)

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