

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24008 of 2022**

Arising Out of PS. Case No.-167 Year-2021 Thana- LAURIA District- West Champaran

LAJIM ANSARI SON OF RAJU ANSARI R/O VILLAGE- PRAKASH
NAGAR (NARKATIYAGANJ), WARD NO.-12, P.S.- SHIKARPUR,
DISTRICT- WEST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

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

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

3 05-09-2022 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 Lauriya
P.S. Case No. 167 of 2021 registered for the offence under
Section 302, 328 and 34 of the Indian Penal Code and Section
30(a), 33 and 37(b) of the Bihar Prohibition and Excise Act,
2018.

The accused/petitioner is not named in the F.I.R. and
is in custody since 27.10.2021.

The allegation against the petitioner is to involve in
the business of illicit liquor, where one person died after



consuming the said liquor, alleged to be spurious.

Learned counsel appearing on behalf of the petitioner submitted that name of the petitioner surfaced on the basis of confessional statement of one co-accused, namely, Karmullah Ansari, while apprehending in Lauriya P.S. Case No. 160 of 2021. It is also submitted that nothing surfaced or recovered in furtherance of the said confession, which may incriminate or connect this petitioner with the present set of occurrence. It is also submitted that petitioner is involved in 05 criminal cases, in which, he is on bail in 04 cases. It is also submitted that nothing surfaced during course of investigation to suggest that petitioner was involved in manufacturing of spurious liquor. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that petitioner is not named in the FIR and there is nothing incriminating recovered from the physical possession of the petitioner, during course of investigation.

Considering the facts and circumstances as mentioned above, as nothing incriminate surfaced/recovered from the



conscious physical possession of the petitioner in furtherance of the confessional statement of the co-accused suggesting involvement in activities of spurious liquor 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 Lauriya P.S. Case No. 167 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 mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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