

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29982 of 2022

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

1. Ramagya Ram Son of Late Shankar Ram R/O Village- Dumara Dewaraj, P.S.- Lauriya, District- West Champaran
2. Gyani Ram Son of Late Nathuni Ram @ Vishwa Nath Ram R/O Village- Dumara Dewaraj, P.S.- Lauriya, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 27-09-2022 Heard learned counsel appearing on behalf of the
petitioners 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 petitioners seek bail in connection with Lauriya
P.S. Case No. 167 of 2021, registered for the offence under
Sections 302, 328 and 34 of the Indian Penal Code and Sections
30(a), 33 and 37(c) of the Bihar Prohibition and Excise Act.

The accused/petitioners are not named in the F.I.R.
and are in custody since 24.01.2022.

The allegation against the petitioners 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 petitioners submitted that the name of the petitioners 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 submitted that nothing surfaced or recovered in furtherance of the said confession, which may incriminate or connect the petitioners with the present set of occurrence. It is further submitted that petitioners are involved in one similar case, as mentioned in paragraph no.3 of the bail petition, wherein, they are on bail. It is further submitted that nothing surfaced during the course of investigation to suggest that petitioners were found in manufacturing of spurious liquor. While concluding the argument, it is submitted that investigation in this case is complete for which charge sheet 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 petitioners are not named in the F.I.R. and there is nothing incriminating recovered from the physical possession of the petitioners, during the course of investigation.



Considering the facts and circumstances as mentioned above, as nothing incriminating recovered from the physical possession of the petitioners 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 both petitioners, above named, are 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, West Champaran/concerned Court, subject to the following conditions:

“(i) That accused/petitioners 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 petitioners.

(ii) Accused/Petitioners 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 petitioners, duly supported by the documents.

(iii) That one of the bailors shall be Umesh Ram, who is the maternal brother of the petitioner no. 1 and deponent of the present bail petition.

(iv) If the petitioners tamper with the evidence or witnesses in any manner, the Trial Court shall be at liberty to cancel the bail bond of the petitioners.”

(Chandra Shekhar Jha, J)

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