

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16708 of 2022

Arising Out of PS. Case No.-73 Year-2021 Thana- JURAWANPUR District- Vaishali

Suresh Rai @ Suresh Son of Jay Mangal Rai Resident Of Vill- Paharpur
Purvi, P.S- Jurawanpur, Dist- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 32689 of 2022

Arising Out of PS. Case No.-73 Year-2021 Thana- JURAWANPUR District- Vaishali

Jaymod Kumar @ Jaymod Yadav @ Jaymod Rai S/O Suresh Rai r/o village-
paharpur purvi, p.s.- Jurawanpur, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 16708 of 2022)

For the Petitioner/s : Mr. Vikramdeo Singh, Advocate

: Mr. Sudish Kumar, Advocate

For the State : Mr. Pradeep Narain Kumar, APP

(In CRIMINAL MISCELLANEOUS No. 32689 of 2022)

For the Petitioner/s : Mr. Shivjee Singh, Advocate

For the State : Mr. Pradeep Narain Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 20-09-2022

Cr. Misc. No. 16708 of 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



Jurawanpur P.S. Case No. 73 of 2021 registered for the offence under Sections 272, 273, 328, 302 and 34 of the Indian Penal Code and Section 37(a) of the Bihar Prohibition and Excise Act.

The accused/petitioner is named in the F.I.R. and is in custody since 01.12.2021.

The allegation against the petitioner is to be involved in business/trading of spurious liquor, whereafter consumption, five persons died and six persons became seriously ill.

Learned counsel appearing on behalf of the petitioner submitted that name of the petitioner surfaced on the basis of disclosure made by wife of the deceased, namely, Pooja Devi, where entire allegation is based upon hearsay version. It is submitted that in furtherance of the said disclosure, no illicit liquor was recovered from the conscious physical possession of the petitioner. It is submitted that nothing incriminating surfaced/recovered during the course of investigation, which may connect this petitioner, *prima facie*, with the present set of occurrence. It is further submitted that co-accused, namely, Vishwanath Ram, from the house of whom, illicit liquor was recovered, has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 7088 of 2022 dated 19.05.2022. 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 the fact that no recovery of spurious liquor was made from the house of the petitioner.

In view of the facts and circumstances, as mentioned above, as no illicit liquor was recovered from the conscious physical possession of the petitioner, where nothing incriminating surfaced/recovered during the course of investigation, which may connect this petitioner, *prima facie*, with the present set of occurrence 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 Jurawanpur P.S. Case No. 73 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 Prohibition and Excise Court-II-cum-Additional District and Sessions Judge, Hajipur, Vaishali/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.



Cr. Misc. No. 32689 of 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 Jurawanpur P.S. Case No. 73 of 2021 registered for the offence under Sections 272, 273, 328, 302 and 34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in custody since 01.12.2021.

The allegation against the petitioner is to be involved in business/trading of spurious liquor, whereafter consumption, five persons died and six persons became seriously ill.

Learned counsel appearing on behalf of the petitioner submitted that name of the petitioner surfaced on the basis of disclosure made by wife of the deceased, namely, Pooja Devi, where entire allegation is based upon hearsay version. It is submitted that in furtherance of the said disclosure, no illicit liquor was recovered from the conscious physical possession of the petitioner. It is submitted that nothing incriminating



surfaced/recovered during the course of investigation, which may connect this petitioner, *prima facie*, with the present set of occurrence. It is further submitted that co-accused, namely, Vishwanath Ram, from the house of whom, illicit liquor was recovered, has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 7088 of 2022 dated 19.05.2022. 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 the fact that no recovery of spurious liquor was made from the house of the petitioner.

In view of the facts and circumstances, as mentioned above, as no illicit liquor was recovered from the conscious physical possession of the petitioner, where nothing incriminating surfaced/recovered during the course of investigation, which may connect this petitioner, *prima facie*, with the present set of occurrence 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 Jurawanpur P.S. Case No. 73 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 Exclusive Special Excise Court-II-cum-Additional Sessions Judge, Vaishali at Hajipur/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Ankit/-

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