

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33700 of 2022

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

Rajendra Sah @ Bhhadar Sah S/o Devnath Sah Resident of Deurwa, P.S.-
Lauriya, District- West Champran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s: Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 13-09-2022 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 Lauriya P.S. Case No. 167 of 2021 registered for the offence under Sections 328, 302 and 34 of the Indian Penal Code and Sections 30(a), 33 and 37(b) of the Bihar Prohibition and Excise Act.

The accused/petitioner is not named in the F.I.R. and is in custody since 24.01.2022.

The allegation against the petitioner is to involve in the business of spurious liquor, along with other co-accused persons, where after consuming the same, the maternal uncle (Mama) of the informant died.

Learned counsel appearing on behalf of the petitioner



submitted that name of the petitioner surfaced even not on the basis of confessional statement of several accused persons which was recorded during the course of investigation. It is submitted that name of the petitioner surfaced during supervision of this case by the higher authority without having any basis. It is further submitted that nothing surfaced during course of investigation which may connect this petitioner, *prima facie*, with present activity of spurious liquor, and, admittedly, this is not a case of recovery of illicit liquor from physical possession of the petitioner. While concluding the argument, it has been submitted that investigation of this case is complete, where charge sheet has been submitted, as such, there is no chance of tempering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded that petitioner is not named in the FIR.

Considering the facts and circumstances as mentioned above, as nothing incriminating surfaced during course of investigation to connect petitioner with present set of occurrence or activities of spurious liquor, on its face 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 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 Ranjit Sah, who is the son of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

R.S.Sen/-

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