

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36666 of 2022**

Arising Out of PS. Case No.-180 Year-2022 Thana- AMAS District- Gaya

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Deepak Verma Son Of Late Giriraj Singh Verma R/O- Mohalla- S- 2201,
2202 Ajnara Gold Tower, Crossing Republic, P.S.- Vijaynagar, Dist.-
Ghaziabad (U.P.)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. P.K. Shahi, Senior Counsel

For the Opposite Party/s : Mr.Dinesh Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 22-09-2022 Heard Mr. P. K. Shahi, learned Senior Counsel

for the petitioner and learned APP for the State.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The case is registered under sections 272, 273,
328, 304 of the Indian Penal Code, in connection with
Amas P.S. Case No. 180 of 2022.

The prosecution story, in brief, is that on
24.5.2022 informant got secret information that few persons
were admitted in suspected conditions in Amas Hospital.
The police raiding party thereafter rushed to the said
hospital and found some persons. They belonged to Pathra
village. Out of them, two persons were referred to Gaya



Hospital for better treatment. Further police raiding party proceeded to Pathra village and got information that some people were indulged in selling and drinking of illicit liquor and as a result of whereof, two persons died. The police caught hold of two persons in Amas Bazar namely Nanhak and Sanjay Yadav and they were admitted in Amas hospital and further referred to ANMMCH Gaya. Further, the police got information that two persons namely Arjun Paswan and Basant Yadav died during treatment.

Mr. Shahi learned Senior Counsel submits that Nanhak Yadav, Ajay Paswan and Sanjay Yadav who were local suppliers named one Rajeshwar from whom they used to get spurious materials. Subsequently, Rajeshwar was also taken into custody. He named Rohit Kumar Singh as the person from whom hand sanitizer was being supplied. It is the confessional statement of Rohit Kumar Singh who is brother of Alok Raj that the name of the petitioner cropped up.

It is the contention of learned Senior Counsel that the petitioner is in the business of hand sanitizer and cannot know about what purpose it is being used. He further submits that the amount received by the petitioner that has



come in the observation of the learned Sessions Judge was indeed received by him and accordingly the hand sanitizer was/were sent to Mr. Alok Raj for which Tax invoice of Rs. 76464/- was also issued on 22.4.22 (which forms part as Annexure-2 of the bail application). His further submission is that being seated at Delhi, he had little realization that the said hand sanitizer will be ultimately used to make illicit liquor which unfortunately took the lives of two innocent persons. It is his last submission that the original supplier Nanhak Yadav, Sanjay Yadav and Ajay Paswan are out of jail having been granted the privilege of bail by the learned Trial Court itself on 17.8.2022.

Per contra, the learned APP submits that as per observation made by the learned Sessions Judge, the amount of Rs. 40-50 thousand were sent to the petitioner and as such he cannot absolve himself from the said charges.

Taking into account the aforesaid facts that the petitioner is in the business of selling hand sanitizer and upon the order given by Alok Raj, brother of Rohit Kumar Singh, the hand sanitizer of Rs. 76464/- was supplied, he is in custody since 29.5.2022, charge-sheet stands submitted



and ultimately he has to face the trial, this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 50,000/- (Fifty thousand) with two sureties of like amount each to the satisfaction of learned Exclusive Special Judge Excise-II, Gaya, in connection with Amas P.S. Case No. 180 of 2022 subject to the following conditions:

(i) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(ii) he shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(iii) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

Nothing stated in this order shall be taken up for consideration at the time of trial as the same has been observed only for the purposes of bail.



With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Ravi/Ajay Singh

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