

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43394 of 2022

Arising Out of PS. Case No.-727 Year-2021 Thana- SARAIYA District- Muzaffarpur

RAHUL KUMAR @ GUDDU S/o Shankar Chaudhary Resident of Village -
Bakhra, P.S.- Saraiya, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nitu Kumari, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 27-08-2022 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 Saraiya
P.S. Case No. 727 of 2021 registered for the offence under
Sections 272, 273, 284, 328, 307, 302, 34 and 120(B) of the
Indian Penal Code and Sections 30(a), 30(c) and 30(b) of Bihar
Prohibition and Excise Act, 2016.

The accused/petitioner is not named in the F.I.R. and
is in custody since. 10.03.2022.

The allegation against the petitioner is to involve in
manufacturing, distribution and serving of spurious liquor,
which caused death of three persons.



Learned counsel appearing on behalf of the petitioner submitted that there is no recovery of spurious liquor from the physical possession of the petitioner, as per seizure list. It is submitted that nothing surfaced during course of investigation, which may connect the petitioner with alleged spurious liquor which was served in party. It is further submitted that nature of allegation against the petitioner is very much general and omnibus. It is also submitted that petitioner was remanded in present case from Saraiya P.S. Case No. 728 of 2021. It has been submitted that investigation is complete, for which charge-sheet has already been submitted in this case, as such there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as the nature of allegation against the petitioner is very much general and omnibus, as regard to manufacturing or serving of alleged illicit liquor coupled with the fact that charge-sheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Saraiya P.S. Case No. 727 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 Court No.II, Muzaffarpur/concerned court, subject to the following conditions:

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing 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 Shankar Chaudhary, who is the father of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

R.S.Sen/-

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