

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41388 of 2022**

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

1. PANKAJ KUMAR Son of Avinas Patel Resident of Village - Pokhraise, P.S.- Saraiya, Distt.- Muzaffarpur.
2. Manish Kumar Son of Shambhu Patel Resident of Village - Pokhraise, P.S.- Saraiya, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 27-08-2022 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 Saraiya
P.S. Case No. 727 of 2021 registered for the offence under
Sections 272, 273, 284, 328, 307, 302, 34 and 120B of the
Indian Penal Code and Sections 30(a), 30(c) and 37(b) of the
Bihar Prohibition and Excise Act, 2018.

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

The allegation against the petitioners is to involved in



manufacturing, distribution and serving of spurious liquor which causes death of five persons.

Learned counsel appearing on behalf of the petitioners submitted that there is no recovery of spurious liquor from the physical possession of the petitioners, as per seizure list. It is also submitted that nothing surfaced during the course of investigation which may connect the petitioners with alleged spurious liquor which was served in party. It is further submitted that allegation against the petitioners is very much general and omnibus. It has been submitted that petitioner was remanded in present case from Saraiya P.S. Case No. 727 of 2021 in which he is on bail and moreover, investigation is complete, where charge-sheet has been submitted, 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 allegation against the petitioners is omnibus regarding involvement of manufacturing or serving of alleged illicit liquor in party coupled with the fact that charge-sheet has been submitted, let both the petitioners, 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) each 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 conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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