

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47831 of 2022

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

Pradeep Sharma S/o Suresh Sharma R/o Ward No. -07, Village - Deurwa,
P.S.- Lauriya, West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gauri Shankar Thakur, Advocate

For the Opposite Party/s : Mr .Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 20-09-2022 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 Lauriya
P.S. Case No. 167 of 2021 registered for the offence under
Section 30(a), 33 and 37(b) of the Bihar Prohibition and Excise
Act, 2018.

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
illegal trading of spurious liquor, whereafter consumption, the
maternal uncle of the informant died.

Learned counsel appearing on behalf of the petitioner



submitted that the present F.I.R. is being lodged after eight days of the occurrence without any just explanation. It is submitted that from bare perusal of the F.I.R. no case u/s 302 of the I.P.C. is made out, particularly, under the circumstances, where specific provision u/s 34(b)(i) has been made out under Bihar Excise and Prohibition Act, to deal with such offences. It is further submitted that there is no recovery of illicit liquor from the physical possession of this petitioner, where, petitioner is not named in F.I.R. Learned counsel, while travelling over the argument, submitted that in want of post mortem report, it cannot be said that death of maternal uncle of the informant was caused due to consumption of spurious liquor, as alleged. While concluding the argument, it has been submitted that investigation of this case has been completed, for which 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 F.I.R.

Considering the facts and circumstances as mentioned above, as the cause of death is consumption of liquor, which appears to be doubtful in want of post mortem report coupled



with the fact that charge-sheet has 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 conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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