

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47801 of 2022

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

1. Santosh Kumar Son of Raghuveer Rai, R/V- Dhanrajpur, P.S- Saraiya, Dist- Muzaffarpur
2. Arun Kumar Son of Raghuveer Rai, R/V- Dhanrajpur, P.S- Saraiya, Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 11-11-2022 Let the defect(s), if any, be removed within two weeks from today.

Heard learned counsel for the petitioners and learned A.P.P. for the State through virtual mode.

The petitioners seeks regular bail in connection with Saraiya P.S. Case No. 727 of 2021 corresponding to G.R. No. 1951 of 2021, lodged under Sections 272/273/284/328/307/302/34/120B of Indian Penal Code read with Sections 30(a), 30(C), 37(B) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, the death of 3 persons had taken place due to use of spurious liquor which is alleged to be sold by the petitioners and other accused persons.

Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence. He

further submits that nothing was recovered from the possession of petitioners, they are in custody since 10.03.2022 and there is only one case pending against them, in which they are persuading for bail.

Learned counsel for the State opposes the prayer for bail and submits that petitioners and other co-accused persons are involved in selling spurious wine, due to consumption of which 3 innocent persons died.

On specific query that whether charge has been framed in this case or not, learned counsel for the petitioners submits that charge has already been framed in this case.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioners, therefore, their bail application is hereby rejected.

However, the petitioners shall be at liberty for renewing their prayer for bail after 6 months of framing of charge.

(Dr. Anshuman, J.)

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