

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65606 of 2021**

Arising Out of PS. Case No.-162 Year-2021 Thana- LAURIA District- West Champaran

Lalu Mian @ Lalu Miyan Son of Late Dulee Mian @ Bhopat Mian Resident
of Village - Dumra Devraj, P.S.- Lauria, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 11-02-2022 Heard learned counsel for the petitioner and Shri Rabindra Kumar, learned A.P.P. for the State through virtual court proceedings.

The petitioner seeks bail in connection with Lauriya P.S. Case No. 162 of 2021 instituted for the offences under Sections 328, 302 and 34 of the Indian Penal Code read with Sections 30(a), 33 and 37(c) of the Excise Act, 2016.

Learned counsel for the petitioner submits that the petitioner is in custody since 14.08.2021, is a person with clean antecedent and charge-sheet has been submitted in the case.

Learned counsel for the petitioner submits that the informant alleges that on 09.07.2021 her husband came back from his land and started vomiting and disclosed that Ramagya Ram, Lalu Miyan (petitioner) and Gyani Ram forcibly made



him to drink liquor and after drinking liquor, his condition started deteriorating, further the deceased was taken to the clinic of Dr. Rashid Ajam where he died within 45 minutes.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. It is further submitted that during the course of investigation it has come that co-accused Hero @ Kalimullah used to bring liquor in the village and used to supply. Further, it is submitted that the thatched roof where the deceased took spurious liquor belonged to co-accused Ramagya who used to keep liquor for selling. It is further submitted that the petitioner was not found drunk, nor he was found indulging in making spurious liquor, nor there was any recovery of liquor from the petitioner.

Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner and submits that in the F.I.R. it is specifically alleged that the deceased disclosed to the informant that the accused persons, including the petitioner, forced him to drink liquor and the fact that nothing happened to the petitioner that in itself demonstrates that he had not taken liquor knowing that the liquor was spurious.

Considering the submissions made by the learned



A.P.P. for the State, the Court, for the present, is not inclined to
grant bail to the petitioner. His prayer for bail is thus rejected.

(Satyavrat Verma, J)

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