

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66257 of 2021

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

1. RAMAGYA RAM Son of Late Shankar Ram Resident of Village- Dumara Dewraj, P.S.- Lauriya, District- West Champaran.
2. Gyani Ram Son of Late Nathuni Ram Resident of Village- Dumara Dewraj, P.S.- Lauriya, District- West Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Gupta

For the Opposite Party/s : Mr.Sucheta Yadav

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 11-02-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State through virtual court proceedings.

The petitioners seek 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 Bihar Prohibition and Excise
Act, 2016.

Learned counsel for the petitioners submits that the
petitioner No. 1 is in custody since 23.07.2021 and petitioner
No.2 is in custody since 16.07.2021, are persons with clean
antecedent and charge-sheet has been submitted in the case.

Learned counsel for the petitioners 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 petitioners further submits that the petitioners are innocent and have 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 petitioners.

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 petitioners, forced him to drink liquor and the fact that nothing happened to the petitioners



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 petitioners, therefore, the prayer for bail of these petitioners is hereby rejected.

(Satyavrat Verma, J)

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