

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67642 of 2021

Arising Out of PS. Case No.-165 Year-2021 Thana- LAURIA District- West Champaran

Bhadar Sah @ Rajendra Sah Son Of Late Devnath Sah R/O Village- Deurwa,
P.S.- Lauriya, Dist.- West Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 16-08-2022 Heard learned Counsel for the petitioner and the
learned APP for the State.

Let the defect(s), if any, as pointed out by the office
be removed within a period of four weeks.

The petitioner is in custody in connection with
Lauriya P.S. Case No. 165 of 2021 registered for the offence
under sections 328, 302, 307 read with section 34 of the Indian
Penal Code and section 30(a), 33, 37 of the Bihar Prohibition
and Excise Act, 2018.

As per the allegation in the FIR, this petitioner along
with Suresh Sah, Rambriksh Choudhary, Ajay Choudhary,
Amresh Ram and Bhadar Sah with Suresh Badhai used to sell
country made liquor.

Further the allegation in the FIR is that on 12.7.2021,



informant's brother as also some of the villagers including Bikau Ansari, Mumtaz Ansari and Bhagwan Panda had consumed the said country made liquor being sold by the aforesaid accused persons including the petitioner herein. Subsequently, after consuming the said liquor, it is alleged that Bikau Ansari, Bhagwan Panda and the brother of the informant died whereas Mumtaz Ansari became seriously ill and was being hospitalized.

The informant has alleged that due to spurious country made liquor being sold by the petitioner and other accused persons, three persons died.

Considering the allegation as has come in the FIR of selling and letting the people to consume the country made liquor which led to the death of three persons as named in the FIR as also the fact that contrary to the statement made in paragraph-3 of the case diary that he has no criminal antecedent but as per the report submitted by the Superintendent of Police, West Champaran, Bettiah vide letter no. 2473 dated 03.08.2022, the petitioner is accused of Loriya P.S. Case No. 162 of 2021 lodged on 16.07.2021 registered under Sections 328 and 320/34 of the Indian Penal Code charge sheet submitted vide charge sheet no. 82 of 2022 and Loriya P.S. Case No. 167 of 2021



lodged on 18.07.2021 registered under Sections 302 and 328/34 of the Indian Penal Code and in which also charge sheet submitted vide charge sheet no. 80 of 2022, this Court is not inclined to grant any relief to the petitioner which is accordingly rejected.

(Rajiv Roy, J)

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