

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63160 of 2022

Arising Out of PS. Case No.-418 Year-2021 Thana- PATORI District- Samastipur

Shambhu Rai @ Abhilakh Rai Son of Late Ram Lakhan Rai @ Lakhan Rai
Resident of Village - Rupauli Chaksima, P.S.- Patori, District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate
For the State : Ms. Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 07-12-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP 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 Shahpur
Patori P.S. Case No. 418 of 2021 registered for the offence
under Sections 30(a), 33, 36 and 34 of the Bihar Prohibition and
Excise (Amendment) Act and Sections 272, 273, 307, 328, 302,
120(B) and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 22.09.2022.

The allegation against the petitioner is to sell spurious
liquor, consumption of which caused death of four persons.

Learned counsel appearing on behalf of the petitioner



submitted that from the face of F.I.R., it appears that save and except suspicion, nothing available against this petitioner. It is submitted that on the raid of the house of the petitioner, only one empty bottle of IMFL and 150 ml toddy like liquid were recovered and, certainly, on the basis of such recovery, it cannot be said that petitioner was involved in the trading of illicit/spurious liquor. It is pointed out that while searching the premises, compliance of Section 100(4) of the Cr.P.C. was not made in the present case and, moreover, seizure list witnesses are also appearing police personnel and not independent witnesses, creating a doubt over the entire seizure. It is further pointed out that as petitioner is involved in four more criminal cases, where he is on bail, he has been implicated in the present case, without having any bearing. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State opposes the prayer of bail.

In view of the facts and circumstances, as mentioned above, as nothing surfaced/recovered from the conscious physical possession of the petitioner, which may connect this



petitioner with the allegations, as raised through the F.I.R. coupled with the fact that chargesheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Shahpur Patori P.S. Case No. 418 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-2, Samastipur/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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