

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64812 of 2022

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

Yaduwansh Rai @ Benga Son of Raj Kumar Raj @ Raj Kumar Ray R/V-
Rupauli Chaksima, P.S- Shahpur Patori, Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh, Advocate
For the Opposite Party/s : Ms. Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 09-12-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State

through virtual Court proceedings.

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, 34 and 36 of the Bihar Prohibition and
Excise Act, 2018 and under 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 08.11.2021.

The allegation against the petitioner is to involved in
sale/purchase of spurious liquor, after consumption of which



four persons died.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner himself is a victim of circumstances, as he alleged to consume liquor, which was spurious in nature. It is further pointed out that as empty bottles showing 750 ml, found beside the house of the petitioner, he was implicated in present case. It is also submitted that nothing surfaced during the course of investigation, which may suggest that petitioner was involved in selling/trading activities of spurious liquor. It is also pointed out that petitioner was never found involved in excise cases, whereas he involved in two criminal cases of different nature, where he is on bail. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as petitioner is in custody since 08.11.2021, having allegation of consume spurious liquor coupled with the fact that charge-sheet has already 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-02, Samastipur/concerned court, subject to
the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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