

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3148 of 2023

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

=====

DHARMENDRA RAY @ DHARMENDRA KUMAR BHAGWAN S/o Late
Haru Rai Resident Of Village- Bhagwanpur Chakseema, P.S.- Shahpur Patori,
District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh

For the Opposite Party/s : Mr. Anand Kishore Choudhary

=====

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 19-06-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 272, 273, 307, 328, 302, 120B/34 of the Indian Penal Code and Section 30(a), 33, 34, 36 of the Bihar Prohibition and Excise (Amendment) Act.

According to FIR, the allegation against the petitioner is to sell/purchase spurious liquor, after consumption of which four persons died.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. During course of investigation, one Yaduvannsh Rai stated that the he along with



co-villager Deepak Singh consumed the liquor which was purchased from this petitioner thereafter, they became sick and due to which the name of the petitioner surfaced in this case. It is further submitted that there is no recovery of illicit spurious liquor from conscious possession of the petitioner whereas the charge-sheet has been submitted without obtaining any chemical or forensic report. The petitioner has no concern with the alleged offence. Moreover, similarly situated co-accused namely, Sakal Sahni has already been granted bail by a co-ordinate Bench of this Court vide order dated 8.8.2022 passed in Cr. Misc. No. 29260 of 2022 and in support of this Annexure-2 has been annexed with this petition. It is further submitted that the petitioner is languishing in judicial custody since 25.11.2022.

Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Shahpur Patory P.S. Case No. 418 of 2021 on furnishing bail bond of Rs.10,000/- (ten



thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise)-02, Samastipur, District- Samastipur.

(Sunil Kumar Panwar, J)

Amandeep/-

U		T	
---	--	---	--

