

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11230 of 2023

Arising Out of PS. Case No.-64 Year-2022 Thana- TATARPUR District- Bhagalpur

1. SUSHIL MANDAL S/O Shubhash Mandal R/O- Village Hariyari P.S Podaiyahat District Godda, Jharkhand
2. PANKAJ KUMAR MANDAL S/O Mahadeo Mandal R/O- Village Hariyari P.S Podaiyahat District Godda, Jharkhand

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anupa Nand Jha, Adv.
For the Opposite Party/s : Mr.Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 20-06-2023 Heard learned counsel for the parties.

Petitioners apprehend their arrest in connection with Tatarpur (Vishwvidyalaya) P.S. Case No.64/2022, registered for the offence punishable u/s 272, 273, 302, 307, 328/34 of the IPC and 34(i) of the Bihar Prohibition of Excise Act, 2016.

As per the prosecution case, one Mithun Yadav died due to consuming of noxious liquor and the informant also got ill after consuming the liquor, which was arranged by accused Shayam Choudhary and his two sons at cheap price.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case due to ulterior motive. The allegation leveled against the petitioners is not



specific rather general and omnibus in nature. No incriminating article has been recovered from the conscious physical possession of the petitioners nor they were present on the spot. During investigation, it has been shown that the petitioners along with other accused persons are involved in business of liquor and they have provided it to the named co-accused, by whom, the deceased and his friends have purchased the liquor and after consuming the same, one died and other two got hospitalized. It is further submitted that petitioners have no concern with the business of liquor. They have two criminal antecedent.

Learned APP for the State opposed the prayer for bail by submitting that there is allegation against the petitioners that they are manufacturer and supplier of cheap and spurious liquor.

Having regard to the facts and circumstances of the case and considering the nature of allegation, I am not inclined to enlarge the petitioners on bail. The prayer for grant of anticipatory bail on their behalf is hereby rejected.

This application is accordingly dismissed.

(Anjani Kumar Sharan, J)

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