

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16392 of 2022

Arising Out of PS. Case No.-54 Year-2021 Thana- VIJAYEPUR District- Gopalganj

Subhash Gond Son Of Late Malu Gond R/O Village - Matiyari Pokhra, P.S.-
Vijaipur, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Pandey

For the Opposite Party/s : Mr.Sanjay Kumar Sharma

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

7 16-02-2023 Heard learned counsel for the petitioner and

learned A.P.P appearing on behalf of the State.

The petitioner is languishing in custody in a case registered for the offences punishable under Sections 302, 328, 120(B), 34 of the Indian Penal Code and Section 44 of the Bihar Prohibition & Excise Act.

The prosecution case as per F.I.R is that some unknown persons including the petitioner were selling the poisonous liquor near the *brick-klin* of one Narsingh Sah. On taking the poisonous liquor, some of them complained of loss of eye sights or other symptoms and they were taken to the hospital where they died during



treatment. The F.S.L report of Visceral organs of deceased also detected presence of methyl alcohol and ethyl alcohol which is highly poisonous.

It is submitted by learned counsel for the petitioner that petitioner is innocent and he has falsely been implicated in this case. The petitioner is not named in the F.I.R. Nothing has been recovered from the conscious possession of the petitioner. The F.I.R has been registered against the unknown and the petitioner has been dragged in this case only on suspicion. The petitioner is languishing in custody since 09.11.2021.

Learned A.P.P appearing on behalf of the State has vehemently opposed the prayer for bail of the petitioner and submitted that the witnesses in para 40, 41, 42, 43 have supported the case of the prosecution against the petitioner. The petitioner is a habitual offender and he is accused in four other cases of similar nature and due to consumption of poisonous liquor, many people lost their life.



Considering the fact that petitioner is accused in four other cases of similar nature and the independent witnesses have supported the case of the prosecution, this Court is not inclined to grant bail to the petitioner. The prayer for grant of bail to the petitioner stands rejected.

The Trial Court is directed to expedite the trial and conclude the same at the earliest.

(Sunil Kumar Panwar, J)

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