

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23031 of 2022

Arising Out of PS. Case No.-63 Year-2021 Thana- MANIYARI District- Muzaffarpur

Prince Kumar Singh @ Pratik Kumar, aged about 32 years, male, Son of Late Anjani Kumar Singh R/O Village- Dighra Rampur Sah, P.S.- Sadar, District- Muzaffarpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Ajay Kumar Thakur with Ms. Viashnavi Singh, Adv.
For the State	:	Ms Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 04-01-2023 Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in connection with Maniyari PS Case No. 63 of 2021, registered for the offence punishable under Sections 272, 273, 302, 328/34 of the Indian Penal Code and Section 34 of the Bihar Prohibition and Excise Act, 2016.

There is an allegation that one *Guddu Sah* died due to consumption of spurious liquor. During investigation of the case, the petitioner's name has surfaced as being the person who has made available some material (medicinal) capable of being used to manufacture spurious liquor which was being sold from the shop of co-accused, namely, Mithun Kumar.

Learned counsel for the petitioner submits that whether the deceased Guddu Sah died due to consumption of spurious liquor or not was never ascertained as the First Information Report (*for brevity* 'FIR') was lodged after he has died. The petitioner's implication in the instant case is only based on statement of co-accused persons. In



course of investigation, the petitioner was initially made an accused in *Lauria* PS Case No. 160 of 2021 and, upon his arrest in the said case, he has been remanded in six other cases, as per details contained in para 3 of the bail petition. The petitioner has already been allowed bail in *Lauria* PS Case No. 160 of 2021 under order dated 05.08.2022, passed in Cr. Misc. No. 28317 of 2022. Co accused, namely, Mithun Kumar and one co-accused, namely, Sabitri Devi have been allowed bail in Cr. Misc. Nos. 41761 of 2021 and 42218 of 2021. The petitioner has remained in custody since 24.11.2021. In the instant case, in the investigation, no incriminating material has been recovered from the petitioner either from his conscious or constructive possession so as to connect him with the material/sell of spurious liquor.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions and the fact that investigation has not revealed any incriminating material from the petitioner, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, (Excise) Court No.11, Muzaffarpur, in connection with Maniyari PS Case No. 63 of 2021, subject to the following conditions:-

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as



to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii)That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner’s counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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