

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34112 of 2023

Arising Out of PS. Case No.-165 Year-2021 Thana- LAURIA District- West Champaran

AMRESH RAM S/O JHULAN RAM Resident of Village- Deurwa, P.S.-
Lauriya, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar No.III, Advocate

For the Opposite Party/s : Mr.Kumar Ranjit Ranjan, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 05-07-2023 Heard the learned counsel for the petitioner and
the learned APP for the State.

The present petition is by way of second attempt at the behest of the petitioner for grant of bail in connection with Lauriya PS case no. 165 of 2021, registered under Sections 302, 328, 307/34 of the Indian Penal Code and Sections 30(a), 33, 37(b) of Bihar Prohibition and Excise Act, inasmuch as the earlier petition filed by the petitioner for grant of bail was disposed off by this Court as not pressed vide order dated 10.01.2023, passed in Cr. Misc. no. 67956 of 2021.

As per the allegations levelled in the FIR, the petitioner along with Suresh Sah, Rambriksh Choudhary, Ajay Choudhary, Bhadar Sah and Suresh Badhai used to sell countrymade liquor. It is further alleged that on 12.07.2021,



informant's brother as also some of the villagers including Bikau Ansari, Mumtaz Ansari and Bhagwan Panda had consumed the said countrymade liquor being sold by the aforesaid accused persons including the petitioner herein, whereupon Bikau Ansari, Bhagwan Panda and the brother of the informant had died whereas Mumtaz Ansari became seriously ill and was hospitalized. The informant has also alleged that on account of spurious countrymade liquor being sold by the petitioner and other accused persons, which was bought and consumed by the aforesaid persons, three of them have died.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and is languishing in custody since 22.07.2021. The learned counsel for the petitioner has further submitted that the petitioner is accused in 07 other criminal cases but he is on bail in five of them, however, he is ready to abide by such conditions, as may be deemed fit and proper to be imposed for the purposes of grant of bail. Lastly, it is submitted that similarly situated co-accused persons have already been granted the privilege of bail by a co-ordinate Bench of this Court vide orders dated 17.05.2023 and



21.06.2013, passed in Cr. Misc. nos. 18064 of 2023 and 30641 of 2023, respectively.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the parity of the case of the petitioner with that of the co-accused persons, who have already been granted the privilege of bail by a co-ordinate Bench of this Court, though I deem it fit and appropriate to admit the petitioner to the privilege of regular bail, however, subject to certain conditions.

Accordingly, the abovenamed petitioner is directed to be released on regular bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-IX, Bettiah, West Champaran in connection with Lauriya PS case no. 165 of 2021.

It is further directed that the petitioner shall mark his presence before the officer-in-charge of the concerned police station at 10 am on every Monday, starting from the



day he is released on bail, and in case of failure to do so on two consecutive occasions, the present privilege of bail shall stand cancelled automatically and the petitioner shall be taken into custody forthwith.

(Mohit Kumar Shah, J)

rinkee/-

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

