

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22524 of 2022

Arising Out of PS. Case No.-23 Year-2022 Thana- SOHSARAI District- Nalanda

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MUKESH KUMAR S/o Suchit Mahto Resident of Village- Sirsi, P.S.- Bakti-
yarpur, District- Patna. At Present resident of Naya tola Madhopur, P.S.- Bak-
tiyarpur, District- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vijay Shankar Shrivastava
For the Opposite Party/s : Mr.Akbar Ali

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

19 21-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case in-
stituted for the offence under Sections 302, 328, 120(B) of the
Indian Penal Code and Sections 33, 34 and 36 of the Bihar Ex-
cise Prohibition Act, 2018.

As per allegation in the FIR, due to consumption of
poisonous liquor on 15.01.2022 three persons, namely, Bhago
Mistri, Manna Mistri and Dharmendra Prasad died in suspicious
circumstances and on same day five more persons died in hospi-
tal during treatment. It is further alleged that petitioner are en-
gaged in business of illicit liquor. Co-accused Jitendra Kumar
was apprehended on spot who disclosed that petitioners are the



manufacturer and supplier of illicit wine. co-accused Meena Devi, her son Sanjay Paswan, Sunita @ Maidam, her son Suraj are seller of said illicit liquor.

It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case due to local politics. He is not named in the FIR. His name surfaced in this case on the basis of confessional statement of Suraj Kumar. He has no concern with the business of illicit liquor. Provision of Section 100 Cr.P.C. has not been followed while preparing the seizure list. He has got clean antecedent. Petitioner is languishing in judicial custody since 16.02.2022.

Learned APP appearing for the State has opposed the prayer of bail and submitted that petitioner is supplier of spirit. He has supplied 18 cartoons of spirit and dilutions for the purpose of manufacturing the liquor. His C.D.R. location supports the communication done between the other accused persons, who are working as liner and supplier of spirit. During investigation in para 295 of the case diary it is found that several transactions were done from his account. As per postmortem finding and from FSL report, the cause of death is due to intake of Ethyl Alcohol along with Methyl Alcohol. During investigation, several witnesses have supported the prosecution case.



Having heard learned counsel for the parties and taking into consideration that petitioner is directly involved in business of illicit liquor and he is supplier of spirit for the purpose of manufacturing liquor, I am not inclined to grant bail to the petitioners and, as such, their application for bail is rejected.

The trial court is directed to expedite and conclude the trial.

(Sunil Kumar Panwar, J)

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