

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49347 of 2022

Arising Out of PS. Case No.-236 Year-2021 Thana- RAMNAGAR District- West Champaran

HERO ANSARI @ HERO @ KARMULLAH ANSARI @ KALIMULLAH
ANSARI Son of Ali Mian @ Ali Ansari Resident of Village - Prakas Nagar,
Narkatiyaganj, P.S.- Shikarpur, District - West Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.N.K. Agrawal, Sr. Adv.
Mr.Ram Adya Sing, Adv.
Mr.Kumar Rajdeep, Adv.

For the Opposite Party/s : Mr.Bharat Bhushan

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

7 04-04-2023 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the office within one

month.

Heard learned counsel for the petitioner as well as

learned APP for the State.

In this case, the petitioner is seeking regular bail in

connection with Ramnagar P.S. Case No. 236 of 2021,

registered for the offences punishable under Sections 302,

328/34 of the IPC and under the Bihar Prohibition Excise Act,

2018.

As per allegation, three persons namely Taj

Mohammad, Jawahir Mian and Guddu Ansari died after

consuming spurious liquors. The informant has mentioned that

they were habitual drinkers and after consuming liquors, they

died.



The learned counsel for the petitioner has submitted that one Laxman Rai was arrested. He confessed his guilt and has stated that the petitioner is the person, who sold that spurious liquors to the deceased persons, after consuming which, they died. He has submitted further that co-accused Laxman Rai has been granted bail by a coordinate Bench of this Court in Cr.Misc. No. 61881 of 2021. Except confessional statement of co-accused, there is nothing against the petitioner. Though he is accused in a number of cases, but in the present case, there is nothing against him except the confessional statement of co-accused. He has also submitted that no post-mortem was conducted. As such, the cause of death could not be ascertained. The petitioner is under custody since 29.03.2022.

On the other hand, the learned APP has opposed the prayer for bail.

Considering the above-mentioned facts and circumstances, let the petitioner above-named be released on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned special Judge Excise, Bagaha (West Champaran) in connection with Ramnagar P.S. Case No. 236 of 2021, subject to the following conditions:-



(i) The petitioner shall cooperate in the disposal of trial and make himself available on each and every date of trial. In case of failure on two consecutive dates without any valid reason, the learned court below will be at liberty to cancel the bail bond of the petitioner.

(ii) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.

(iii) If the petitioner is found involved in future in the similar type of offence, the prosecution will have liberty to file an application before the court below for cancellation of the bail of the petitioner and the learned court below will take decision in accordance with law.

Office shall ensure that all defects are removed by the petitioner within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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