

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56535 of 2023

Arising Out of PS. Case No.-466 Year-2023 Thana- TURKAULIYA District- East
Champaran

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Dilip Ram, S/O Baidhnath Ram, R/O Village- Gadawa Dumra, Ps. Kotwa,
Dist. East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rikesh Sinha, Advocate

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

3 08-11-2023 Heard Mr. Rikesh Sinha, learned counsel appearing

on behalf of the petitioner and Mr. Pawan Kumar Chaurasia,

learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Turkauliya P.S. Case No. 466 of 2023, registered for the
offences punishable under Sections 304, 308, 328, 201/34 of the
Indian Penal Code. Later on Section 33, 34, 37, 41, of the Bihar
Prohibition of Excise (Amendment) Act, 2018 was added.

3. The prosecution case is based on a written report
alleging therein the informant who happens to be Sub-Inspector
has received an information that few persons had fallen sick
under mysterious circumstances in Jaisinghpur, Gokhula,
Madhopur, Mathurapur area under Turkauliya jurisdiction,



amongst them some have died during the course of treatment and their dead bodies cremated in haste by relatives. The informant went to the respective areas and on interrogation it was found that the deceased persons fallen ill and died during the course of treatment due to consumption of some poisonous substance.

4. It is submitted on behalf of the petitioner that the F.I.R. has been instituted against unknown persons, however, during the course of the investigation, the name of the petitioner has transpired on the confessional statement of co-accused Ajay Kumar Yadav and Lallan Yadav and barring the confessional statement, there is no material suggesting the complicity of the petitioner in the crime. Moreover, the entire case is based on suspicion, as there is no post-mortem report suggesting death of the deceased on account of consumption of any poisonous substance. He further submits that co-accused persons having identical allegation, whose name also transpired on confessional statement, he has been allowed the privilege of anticipatory bail by learned co-ordinate bench of this Court in Criminal Miscellaneous No. 57383 of 2023 vide order dated 30.08.2023. He lastly submits that the reason for false implication is criminal antecedent, as the petitioner is earlier made accused in a matter of Bihar Prohibition of Excise (Amendment) Act, 2018.



5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submitted that a lubricant bucket has been recovered from the house of the petitioner which is said to be used for preparation of illicit wine and thus, his complicity cannot be denied.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that there is no material on record suggesting the deceased died on account of consumption of any poisonous substance, that apart the co-accused person having identical allegation has been allowed the privilege of anticipatory bail, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise, Court No. 1 in connection with Turkauliya P.S. Case No. 466 of 23, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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