

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57035 of 2022

Arising Out of PS. Case No.-259 Year-2022 Thana- BANKA District- Banka

BIKRAM LAIYA S/O BONGI LAIYA Resident of village- Domakhar, P.S.-
Banka, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Nandad Prasad, Adv.

For the Opposite Party/s : Mr.Md. Anbzarul Haque Sahara, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 17-03-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offence under Sections 272, 273, 328, 302/34 of the Indian Penal
Code and Section 33, 34 and 37 of the Bihar Prohibition and
Excise Amendment Act.

The petitioner is alleged to have sold poisonous liquor
due to which one has died after consuming the said liquor.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case. He further submits that for the same occurrence as
alleged in the F.I.R., two F.I.Rs. being Banka P.S. Case No. 258 of
2022 and Banka P.S. Case No. 259 of 2022 have been registered in
which the petitioner has been made accused. It is further



submitted that the petitioner has been granted bail by the court below itself with respect to Banka P.S. Case No. 258 of 2022. He further submits that the only allegation against the petitioner according to the F.I.R. is he has supplied poisonous liquor to the deceased resultantly he died after consuming it. He further submits that the allegation as alleged in the F.I.R. is false and fabricated. He further submits that charge has been framed in this case on 08.08.2022 against the petitioner.

Vide order dated 02.12.2022, a report with regard to present stage of the trial was called for and the report dated 05.12.2022 reveals that the case is running on evidence stage and till date no prosecution witness has been examined.

Learned counsel for the petitioner further contends that in view of the report, the trial of the case is not likely to be concluded in near future and the petitioner is rotting in judicial custody since 13.04.2022. Hence, the petitioner may be enlarged on bail.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Court below



where the case is pending in connection with Special Excise Case No. 286 of 2022 (Banka P.S. Case No. 259 of 2022) with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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