

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67816 of 2022

Arising Out of PS. Case No.-267 Year-2021 Thana- RAJAPAKAR District- Vaishali

BULBUL JHA @ RAJESH KUMAR MISHRA Son of Late Janardhan
Mishra R/V- Baikunthpur, P.S- Rajapakar, Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar,Adv.

For the Opposite Party/s : Mr.Amit Kumar Rakesh,APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 08-02-2023 Heard the learned counsel for the
petitioner and the learned APP for the State,
Mr.Amit Kumar Rakesh.

The petitioner seeks regular bail in connection with Rajapakar P.S. Case No.267 of 2021, registered for the offence punishable under Section 30(d) of the Bihar Prohibition and Excise Act, 2018.

The allegation is regarding one person having consumed homeopathy medicine resulting in his death and it is alleged by the family members of the deceased that the petitioner had given homeopathic health tonic, which the deceased had consumed, resulting in his death. It is also alleged that the police had conducted a raid



at the house of the petitioner and recovered some empty bottles of homeopathy medicine.

The learned counsel for the petitioner has submitted that the petitioner is innocent and he has been falsely implicated in the present case. The learned counsel for the petitioner has further submitted that the petitioner has been remanded in the present case on 21.01.2022. The learned counsel for the petitioner has also submitted that for the same incident pertaining to death of the deceased, one another criminal case bearing Rajapakar P.S. Case No.266 of 2021 under Sections 302/328/120-B/34 of the Indian Penal Code has already been lodged against the petitioner and the present case has been filed only under Section 30(a) of the Bihar Prohibition and Excise Act, 2018, hence, as far as the present case is concerned, benefit of doubt can be granted to the petitioner for the purposes of grant of bail.

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 petitioner and taking into account the materials on record as also considering the fact that the petitioner is an accused in seven similar type of cases, though, I am not inclined to admit the petitioner to the privilege of bail, at the moment, but I deem it fit and proper to direct for release of the petitioner immediately upon framing of charges by the learned trial court, subject to such conditions as may be deemed fit and proper to be imposed by the learned Special Excise Court No.lind-cum-A.D.J., Vaishali at Hajipur in connection with Rajapakar P.S. Case No.267 of 2021.

Accordingly, the present petition stands disposed off with the aforesaid observations and directions.

(Mohit Kumar Shah, J)

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