

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72042 of 2023

Arising Out of PS. Case No.-141 Year-2023 Thana- SUGAULI District- East Champaran

Ajay Yadav @ Ajay Kumar Yadav Son Of Gauri Shankar Yadav R/O Village-
Dipau, P.S.- Kotwa, Dist.- East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mr.Md. Fahimuddin

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 08-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case
instituted for the offence under Sections 304, 308, 328, 201/34
of the Indian Penal Code and Sections 30(a), 34, 37 and 41 of
the Bihar Prohibition and Excise Act.

3. As per prosecution case, some persons have given
some spurious material to five persons causing them ill and
during the treatment they died.

4. It is submitted by learned counsel for the petitioner
that petitioner has been falsely implicated in this case. He has
committed no offence. Petitioner is not named in the FIR and
the same has been lodged against unknown persons. During
investigation, the name of the petitioner has come into light, on
the basis of statement of the witnesses. Petitioner is neither the



supplier of the liquor nor the seller of it. Nothing incriminating article has been recovered from the conscious possession of the petitioner and there is no Postmortem report to suggest that the deceased had died due to consumption of spurious liquor. He further submitted that the other co-accused has already been granted bail by a Co-ordinate Bench vide order dated 21.08.2023 passed in Cr. Misc. No. 52884 of 2023. He is languishing in judicial custody since 27.07.2023.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No.- 1, East Champaran, Motihari in connection with Sugauli P.S. Case No. 141 of 2023.

(Sunil Kumar Panwar, J)

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