

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74225 of 2023

Arising Out of PS. Case No.-8 Year-2022 Thana- MAKER District- Saran

Akhilesh Ray @ Akhilesh Kumar Yadav @ Mangaru Son of Late Lalan Ray
Resident of Village- Sutihar Nawada PS- Derni District – Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar, Advocate

For the Opposite Party/s : Mr.Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 29-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Maker P.S. Case No. 08 of 2022, registered on 20.01.2022 for the alleged offences under Sections 272, 273, 328, 308, 304, 120B/34 of the Indian Penal Code and Sections 30(a), 37(B), 33, 34 of the Bihar Prohibition and Excise Act.

3. As per prosecution case, one Isha Tailor died due to consumption of spurious liquor. A video went viral on social media about the death of the said person. During investigation police came to know about the co-accused persons who were involved in the trade of spurious liquor. Certain recoveries were also made. The name of the petitioner transpired in the confessional statement of Jitendra Yadav who stated that the co-accused and the petitioner went to Muzaffarpur and purchased



spirit from co-accused Saddam.

4. Learned counsel for the petitioner submits that co-accused Md. Saddam has been granted bail by a Co-ordinate Bench vide order dated 15.07.2022 passed in Cr. Misc. No. 18222 of 2022. Nothing has been recovered from conscious possession of the petitioner or his house and except the confessional statement there is nothing against the petitioner. Co-accused Jitendra Yadav, who named this petitioner, has been granted bail by the learned court below. Co-accused Amit Kumar and Mani Bhushan Rai have been granted anticipatory bail by different Co-ordinate Benches vide orders dated 21.11.2022 and 29.04.2023 passed in Cr. Misc. Nos. 51015 of 2022 and 14063 of 2023, respectively. The case of the petitioner is on better footing from the co-accused persons who have been granted anticipatory/regular bail. The petitioner is in custody since 14.09.2023.

5. Learned APP vehemently opposes the submission made on behalf of the petitioner. Learned APP submits that the petitioner purchased the spirit and spurious liquor was manufactured from it causing death of a person. Learned APP further submits that the petitioner is having criminal antecedent of 4 cases, out of which three are under Bihar Prohibition and



Excise Act and one case was registered under different sections of the IPC.

6. Having regard to the facts and circumstances of the case and submissions made on behalf of the parties and considering the fact that no recovery has been shown from this petitioner and lack of material to connect the petitioner with the crime as alleged and further considering the period of custody of the petitioner and grant of bail to co-accused persons, the petitioner above named, is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned 3rd Exclusive Special Excise Judge, Saran at Chapra/concerned court in connection with Maker P.S. Case No. 08 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three



consecutive dates or in violation of the
terms of the bail, the bail bonds of the
petitioner will be liable to be cancelled
by the court concerned.

(Arun Kumar Jha, J)

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