

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73512 of 2022

Arising Out of PS. Case No.-179 Year-2022 Thana- MAKER District- Saran

Rahul Kumar Son Of Lakshaman Mahto R/V- Bhatha Sonho, Kishunpur, P.S-
Veldi Dist- Saran At Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar

For the Opposite Party/s : Mr.Yogendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
S ORAL ORDER

3 27-06-2023 Heard learned counsel for the petitioner and

learned A.P.P appearing on behalf of the State.

The petitioner is languishing in custody in a

case registered for the offences punishable under

Sections 328, 308, 304, 120(B)/34 of the Indian Penal

Code and Sections 37(i)(ii) of the Bihar Prohibition &

Excise Act.

The prosecution case as per F.I.R is that 25

persons named in the fardbeyan, consumed liquor in the

house of the co-accused persons namely Sandeep

Kumar, Ramanand Manjhi and Akash Kumar. It is also

alleged that one Chandeshwar Mahto brought a sachet of



liquor and gave it to the informant's father who consumed it and thereafter he complained that his vision was blurred and he had stomach ache and started vomiting. In the meanwhile, the informant came to know that one Chandan Kumar who had consumed the liquor had died. Thereafter, the news spread that due to spurious liquor and that villagers who consumed liquor in the evening were sick. Thereafter they were taken to Sadar Hospital, P.M.C.H for treatment but eight died during treatment.

It is submitted by learned counsel for the petitioner that petitioner is innocent and he has falsely been implicated in this case. The petitioner is alleged that he was also selling the liquor but nothing was recovered from the conscious possession of the petitioner. There is general and omnibus allegation against the petitioner. Moreover, other co-accused have been granted bail by a coordinate Bench of this Court vide order dated 09.05.2023 passed in Cr. Misc. No.



69215 of 2022 and other analogous cases. The petitioner is languishing in custody since 18.08.2022. A statement has been made in para 3 of the petition that petitioner is accused in one other case apart from the present one.

Learned A.P.P appearing on behalf of the State has vehemently opposed the prayer for bail of the petitioner.

Considering the facts aforesaid and the period under custody, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousands) with two sureties of the like amount each to the satisfaction of learned 2nd Exclusive Special Excise, Saran at Chapra in connection with Maker P.S. Case No. 179 of 2022.

(Sunil Kumar Panwar, J)

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