

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65644 of 2025

Arising Out of PS. Case No.-583 Year-2022 Thana- MASHRAK District- Saran

Rajeev Kumar Son of Ashok Kumar @ Ashok Kumar Srivastava R/O Vill-
Swastik Amarawati Apartment, Tengra Mod, Ramnagar Varanasi, P.S.-
Ramnagar, Distt.- Varanasi (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chetna, Adv.

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

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 11-09-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Mashrakh P.S. Case No. 583 of 2022 instituted for the offences
under Sections 272, 273, 328, 308, 304, 120(B) of the Indian
Penal Code and Section 30(a), 33, 34 of the Bihar Prohibition
and Excise Act.

3. As per prosecution case, one person Kunal Kumar
died and others fallen ill due to consumption of spurious liquor.
It is further alleged that total 5 liters of illicit spirit alcohol and
20 used polythene pouch and 50 empty pouch liquor was
recovered from the *dalaan* of co-accused Mukesh Singh.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. The petitioner is neither named in the F.I.R. nor anything incriminating has been recovered from his possession. The name of the petitioner has transpired in this case in course of investigation only on the basis of suspicion. The petitioner has no concern with the seized articles. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. The petitioner has three criminal antecedents and is languishing in judicial custody since 22.08.2025 without any rhymes or reason.

5. Learned counsel for the petitioner again submits that the co-accused namely Sonu Kumar Giri has been granted bail by this Court vide order dated 08.07.2025 passed in Cr. Misc. No. 42329 of 2025.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the petitioner has three criminal antecedents of similar nature of offence. Learned counsel for the State further submits that from the impugned order, it appears that in the alleged incident, 27 people died due to consumption of spurious liquor and, hence, the petitioner does not deserve bail.



7. Having heard learned counsel for the parties and keeping in view the nature of allegation and gravity of the offence, this Court is not inclined to grant bail to the petitioner at this stage.

9. Accordingly, the prayer for bail of the petitioner, above named, is rejected with a direction to the court below to expedite the trial and conclude the same expeditiously.

(Rudra Prakash Mishra, J)

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