

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83124 of 2024

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

Upendra singh S/o- Parmanand singh Resident of village- Khodha, P.S-
Sugauli, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Kalyan Shankar, APP

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

ORAL ORDER

5 25-06-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Sugauli P.S. Case No. 141 of 2023 registered for the offences punishable under Sections 304, 308, 328, 201, 34 of the Indian Penal Code and subsequently added Sections 30(a), 34, 37, 41 of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that some persons have given some spurious material to five persons causing them ill and during treatment, they died.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case with false and frivolous allegations. The petitioner



has not committed any offence as alleged in the F.I.R. The petitioner is not named in the F.I.R. and, as such, nothing incriminating has been recovered from his conscious/physical possession. The name of the petitioner has transpired in this case has transpired in this case in course of investigation. He further submits that the dead body of the deceased were cremated in great haste by their relatives and, hence, the postmortem of the dead body was not conducted and there is no postmortem report in this case to substantiate the allegation. He further submits that the co-accused Harishankar Bhagat has already been granted anticipatory bail by the Co-ordinate Bench of this Court vide order dated 17.02.2024 passed in Cr. Misc. No. 6508 of 2024. The petitioner has one criminal antecedent as has been stated in paragraph no.3 of the present anticipatory bail application. Learned counsel for the petitioner further submits that the co-accused Shekh Ekram @ Ekram Miyan has already been granted regular bail by this Court vide order dated 05.03.2024 passed in Cr. Misc. No. 15773 of 2024.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioner, stating that the offence alleged against the petitioner is serious in nature, submitting that several persons



have died due to consumption of spurious liquor.

6. Having heard learned counsel for the parties and considering the nature and gravity of the offence alleged, this Court is not inclined to grant privilege of anticipatory bail to the petitioner.

7. Accordingly, the prayer for anticipatory bail of the petitioner, above named, is rejected. If the petitioner surrenders before the court below within a period of four weeks from today and prays for regular bail, the same would be considered by the court below in accordance with law without being prejudiced by the order of this Court.

(Rudra Prakash Mishra, J)

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