

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24168 of 2019**

Arising Out of PS. Case No.-392 Year-2018 Thana- KUCHAIKOTE District- Gopalganj

RAHUL Son of Shiv Prasad Resident of Village - Goriyabad, P.S.- Jamo,
District- Amethi (Uttar Pradesh)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arbind Kumar Singh

For the Opposite Party/s : Mr.Dilip Kumar No. 1

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER**

2 15-04-2019 Heard learned counsel for the petitioner and counsel
appearing on behalf of the State.

The petitioner is in custody in connection with Kuchaykote P.S. Case No.392 of 2018 for the offence under Sections 420, 467, 468, 414 of the Indian Penal Code and Section 30 (a) (b) (c), 38, 41 (a) (b) of Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that in the instant case 3456 liters liquor was seized. He submits that petitioner is in custody since 30.12.2018.

Recovery to the tune of 3456 liters was made from the truck container at Jalalpur Check post. In State of Bihar Prohibition Law came into force from 1st April 2016 and illegal transportation of wine is banned. It appears that the illegal trade



of wine is now most profitable business and means to earn easy money. Individual believe that overnight he may become millionaire and that is why he is taking risk of carrying such consignment knowing the strict penal provision. Present case indicates that trade of illegal liquor in a big way in the State of Bihar is still continuing and recovery of 3456 liters of liquor is example of the same and in connection thereof arrest of this petitioner who claimed to be the Khalasi of the vehicle, shows that small culprits are taken to custody and those who are running risk of carrying liquor trade behind the curtain are minting money with the connivance of law enforcing agency as this kind of business cannot go without the connivance of the executing agency entrusted with the responsibility of checking and ensuring total implementation of Prohibition law. Having regard to period of custody and his position as Khalasi there is no point to keep the petitioner in custody.

Having regard to the fact that he has no criminal antecedent and only he is Khalasi of the vehicle and he has remained in custody for more than three months. Let the petitioner be released. While releasing the petitioner the Court would like to remand the law enforcing agency and, that due to their utter failure to day-to-day illegal trade of liquor business is



flourishing in the State despite the total prohibition. Let the petitioner named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge, IInd- cum- Special Judge, Excise, Act, Gopalganj in connection with Kuchaylote P.S. Case No 392 of 2018. Copy of this order be communicated to the Chief Secretary, so that he will see that the agency entrusted with the enforcement of prohibition may rise to the occasion.

(Anil Kumar Upadhyay, J)

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