

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4643 of 2020

Arising Out of PS. Case No.-217 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Begusarai

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Ajay Kumar Jha @ Ajay Jha Son of Lalbabu Jha Resident of Village - Tilak
Nagar Ward No. 32, P.S.- Town, District - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Amrendra Kumar,Advocate
For the Opposite Party/s : Mr.Parmanand Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

6 27-05-2020 Heard learned counsel appearing on behalf of the

petitioner and learned Additional Public Prosecutor for the

State.

This Court, vide order dated 29.01.2020, while
noticing huge quantity of liquor seized in different parts of the
State of Bihar notwithstanding total prohibition in the State,
directed the District Magistrate, Begusarai to file his personal
affidavit.

The affidavit has been filed on behalf of the District
Magistrate, Begusarai which shows total failure on the part of
the concerned officials in the implementation of the total
prohibition in the State of Bihar. The statements made in paras 2
to 4 of the affidavit filed by the District Magistrate, Begusarai is



quoted below for ready reference:-

“2. That your Lordship was pleased to direct the District Magistrate, Begusarai to file his personal affidavit on the following points (a) origin of the liquor (place of manufacturing) (b) details of the places (check posts and police stations) through which the liquor passed through and reached the place where the liquor was seized vide order dated 29.01.2020.

3. That the District Magistrate, Begusarai called for report from the Excise Superintendent, Begusarai in this matter vide memo no. 185 dated 12.02.2020.

4. That Excise Superintendent submitted his report vide letter no. 331/ Liquor dated 13.02.2020 wherein he mentioned that the manufacturing place of seized liquor is Haryana and Madhya Pradesh. He also reported about route through which seized liquor may be brought in the District Begusarai and about the check post which is situated in Buxar and Gopalganj. He further reported about the police station which falls in the way through which seized liquor passed through or brought at Tilak Nagar (Residential House of the petitioner) in the Begusarai District where from liquor has been seized- (i) From Buxar Chck post these



are the district through which liquor may be brought to Begusarai i.e. Ara-Patna-Vaishali-Samastipur-Begusarai. (ii) From Gopalganj Check Post these are the District Begusarai & about the check post which is situated in Buxar and Gopalganj. He further report about the police station which falls in the way through which seized liquor passed through or brought at Tilak Nagar (Residential House of the petitioner) in the Begusarai District where from liquor has been seized (i) From Buxar Check Post these are the district through which liquor may be brought to Begusarai i.e. Ara-Patna-Vaishali-Samastipur-Begusarai (ii) From Gopalganj Check post these are the district through which liquor may be brought to Begusarai i.e. Motihari-Muzaffarpur-Samastipur-Begusarai and the name of police stations which fall in the above mentioned way within the District Begusarai i.e. Bachhawara-Teghra- Fulwaria-Barauni-Muffasil-Nagar. He further reported that no check post of excise department is existing at present in the Begusarai. He also informed that no officer of Excise/Police Department is involved in liuqor transportation business. He also reported that on the basis of secrete information received from the informant vehicles loaded with liquor are seized.”



The affidavit of the District Magistrate, Begusarai indicates that the liquor crossing several districts and check posts reached the District of Begusarai. The affidavit shows lack of sincerity on the part of the implementing agencies. It is a matter of common knowledge that despite total prohibition approximately three lacs liters of liquor has been seized and approximately 2,50,000/- persons have been proceeded against in different proceedings.

Under the aforesaid circumstances, it would be appropriate that this order may be communicated to the Chief Secretary, State of Bihar to work out strategy to implement the total prohibition in the State of Bihar honestly and sincerely.

Adverting to the prayer of the petitioner for grant of bail, the Court finds that this petitioner has no criminal antecedent. He has remained in custody for more than six months. Considering the aforesaid, the Court is inclined to grant bail to the petitioner.

Let the petitioner, above named, be released on bail on furnishing his personal bond to the satisfaction of the Additional Sessions Judge-II-cum-Special Judge, Excise Act, Begusarai in connection with Case No. 217 of 2019 on account of the circumstances prevailing due to lockdown in the wake of



Covid-19 pandemic.

Office is directed to communicate this order to the
Chief Secretary, Government of Bihar forthwith.

(Anil Kumar Upadhyay, J)

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