

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31922 of 2020

Arising Out of PS. Case No.-126 Year-2020 Thana- SONBERSA District- Sitamarhi

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Nijamuddin Sidiqi S/o Taslim Sidiqi Resident of Village - Haribela P.S. -
Bathnaha, District - Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Virendra Kumar, Adv.
For the Opposite Party/s : Mr. Yogendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 04-12-2020 Heard learned counsel for the petitioner and

learned counsel for the State.

The petitioner seeks bail in connection with
Sonbarsa P.S. Case No. 126 of 2020 registered *inter alia* under
Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The informant has alleged in the first information
report that on 15.07.2020 at around 11:30 p.m., he received
secret information that a consignment of liquor loaded on truck
was to be delivered near Munnilal Karpuri Mahavidyalya at
village Madhuban. To verify this information, he along with his
police team reached the aforesaid place and saw three vehicles
and seven persons unloading cartons from a truck. Upon the
sight of the police vehicle, five persons managed to escape



whereas two of them were apprehended by the police. The apprehended persons disclosed their name as Satish Gaur and Nijamuddin Sidiqi. They disclosed that they had kept liquor in the secret compartment of the truck and had already delivered it to eight persons. They further disclosed that remaining liquor was still in the vehicle which was being unloaded. When the secret compartment was searched, altogether 370.71 liters liquor was recovered which was seized in presence of two witnesses from the truck bearing registration no. RJ 14 GE-9146.

Learned counsel appearing for the petitioner submitted that so far as the allegations made in the first information report against the petitioner is concerned, are patently false and fabricated. Petitioner has nothing to do with the alleged recovery of illicit liquor. He was a labour and was engaged for unloading cement loaded on the vehicle in question. He further contended that the petitioner is in custody since 16.07.2020.

On the other hand, learned counsel appearing for the State vehemently opposed the prayer for bail of the petitioner. He submitted that there is complete prohibition on manufacturing, bottling, distribution, transportation, collection, storage, possession, sale and consumption of alcohol in the State



of Bihar. The manner in which recoveries were made and the disclosure made by the petitioner clearly demonstrates that he has no respect for law and was engaged in smuggling of liquor in the State of Bihar.

Having heard the parties, considering the professional nature of the illegal trade of liquor by the petitioner, I am not inclined to grant him bail for the present. The application is rejected.

The court below is directed to expedite the trial as early as possible preferably within nine from the date of receipt/production of a copy of the order.

In case, the trial is not concluded within the stipulated period, the petitioner would be at liberty to renew his prayer for bail.

Since the court proceedings are being conducted through virtual mode and normal court functioning has not been restored till date, it is considered appropriate to adopt the following procedure for communication of the present order:-

- (i) The order, which has been dictated during the course of proceeding of the virtual court, shall be communicated to me on my e-mail by the Sr. Secretary.



- (ii) The corrected copy of the order shall be transmitted by me from my e-mail id to the Sr. Secretary, which shall be treated to be an authentic copy of the order passed by this Court in the present proceeding.
- (iii) Hard copy of the order duly signed by me shall be preserved in my residential office for documentation and future use, if any.
- (iv) Let steps be taken by the Sr. Secretary/registry for uploading of the present order without compromising with the norms of social distancing.

(Ashwani Kumar Singh, J)

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