

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32123 of 2021

Arising Out of PS. Case No.-333 Year-2020 Thana- RIVILGANJ District- Saran

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1. Nivedita Singh @ Navandita Singh, Wife of Gopal Singh @ Gopalji Singh.
 2. Gopal Singh @ Gopalji Singh, Son of Late Jaleshwar Singh.
- Both are resident of Village - Pura, P.S. - Banshdih, Kotwali, District - Balia (U.P.).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 14-06-2021 Heard Mr. Alok Kumar Alok, the learned Advocate for the petitioners and Mr. Pranav Kumar, the learned APP for the State.

The petitioners seek bail in anticipation of their arrest in connection with Revilganj P.S. Case No. 333 of 2020, instituted for the offences under Sections 30(a) and 41(i) of the Bihar Prohibition and Excise Act, 2016.



It appears from the prosecution report that one Gajendra Singh was arrested with a pick-up van and a motorcycle and liquor in huge quantity was recovered. Aforesaid Gajendra Singh is said to have made a statement before the police that the liquor in question was purchased from the shop of petitioner No. 1, which was managed by the petitioner No. 2. The liquor shop of the petitioners is in the State of Uttar Pradesh.

The learned Advocate for the petitioners has submitted that assuming but not admitting the aforesaid statement of co-accused/Gajendra Singh to be correct, the petitioners cannot be made accused in this case for the simple reason that they are the licensees to sell liquor in the State of Uttar Pradesh. It has further been submitted that anybody purchasing liquor from the Uttar Pradesh where there is no prohibition, would not otherwise be an offence and no can never know that such purchase would be taken to a State where the Excise law is prevailing.

The petitioners are stated to be persons of clean antecedents and except for the oral statement that the



consignment of liquor, which was seized, was purchased from the shop of the petitioners, there is no other material to connect them with the offence. As such, it has been urged that none of the offences under the Excise Act can be said to have been made out against the petitioners.

For the aforesaid reasons, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned 2nd A.D.J.-Cum-Special Judge, Excise, Saran at Chapra in connection with Revilganj P.S. Case No. 333 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

Praveen-II/-

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