

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3295 of 2022

Arising Out of PS. Case No.-201 Year-2021 Thana- PIPRAHI District- Sheohar

CHHOTE PASWAN @ CHOTE PASWAN S/o Sukul Paswan R/o Village -
Amba Ojha Tola, P.S. - Piprahi, Dist. - Sheohar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar

For the Opposite Party/s : Mr.Bishweshwar Ram

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 20-05-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner, who is in custody since 05.11.2021, seeks
regular bail in connection with Piprahi P.S. Case No. 201 of 2021
registered for offences punishable under Section 30(a) of the Bihar
Prohibition and Excise Act, 2016.

Allegation is of recovery of 138 litres Nepali country-
made liquor from the paddy field behind Amba Kothi Chowk.
Petitioner is named in the FIR.

Learned counsel appearing on behalf of the petitioner
submits that admittedly, the recovery was made from a paddy
field. Petitioner is not the owner of the said field and his name has



come on the basis of disclosure made by the chowkidar, who has inimical terms with the petitioner. Petitioner has clean antecedent and he is in custody since 05.11.2021.

Learned A.P.P., for the State has opposed the prayer for grant of bail to the petitioner. He further submits that trade of illicit liquor is rampant in the State of Bihar and often hooch tragedy is being occurred due to consumption of illicit liquor by the people at large and as such petitioner is involved in heinous crime and he does not deserve to be released on bail.

Taking into consideration the nature of allegation made against the petitioner, the petitioner, above named, is directed to be released on bail upon furnishing bail bond of Rs. 100,000/- (Rupees One Lac) with two sureties of the like amount each to the satisfaction of learned A.D.J. II Cum Special Judge, Excise Act Sheohar in connection with Piprahi P.S. Case No. 201 of 2021 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.



(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

(v) The Court below is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will loose its force automatically.

Just after the release, petitioner will tender his appearance before the I.G. Prohibition and Excise within two days after his release and file his personal undertaking that he will not indulge in the trade of liquor and he will disclose the name of the persons who are involved in the illicit trade of liquor in his locality.

Considering the rampant growth of sale of illicit liquor in the State of Bihar, the Superintendent, Excise and Prohibition, Sheohar as well as SHO, Piprahi are required to file a specific report with respect to action taken by them in stopping the illicit trade of liquor within their jurisdiction.

The report must be filed directly before the Additional Chief Secretary, Prohibition and Excise Department, Bihar and I.G., Prohibition, Bihar.

The I.G., Prohibition is directed to file an action taken



report before the learned Special Court, Excise within three weeks.

Let a copy of this order be communicated to the I.G.,
Prohibition, Bihar.

(Purnendu Singh, J)

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