

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3565 of 2022

Arising Out of PS. Case No.-126 Year-2021 Thana- ANDHRAMATH District- Madhubani

MAHESH KUMAR CHAUPAL @ MAHESH KUMAR Son of Dharmalal
Khatwe Resident of Village - Gadhiya, Ward No.03, P.S.- Andhramath, Distt.-
Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha, Advocate

For the Opposite Party/s: Mr. Awadhesh Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 20-05-2022 Heard learned counsel appearing on behalf of the peti-
tioner 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 26.11.2021, seeks
regular bail in connection with Andhramath P.S. Case No. 126
of 2021 dated 25.11.2021 registered for offences punishable un-
der Sections 272, 273 of the Indian Penal Code and Section
30(a) of the Bihar Prohibition and Excise Act.

Altogether 117 litres of Nepali country-made liquor
was recovered on search made by the SSB near the border in-
side the territory of India. Petitioner was apprehended on the
spot.



Learned counsel appearing on behalf of the petitioner submits that recovery has been shown to be made from three bags which cannot be imagine to have been carried by the petitioner. Petitioner has no concern with the seized articles neither he is involved in any trade and transport of illicit liquor. Petitioner is in custody since 26.11.2021.

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.

Considering the facts and circumstances of the case, 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 Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani in connection with Andhramath P.S. Case No. 126 of 2021 dated 25.11.2021 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, Madhubani as well as SHO, Andhramath 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)

Niraj/-

U		T	
---	--	---	--

