

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4114 of 2022

Arising Out of PS. Case No.-5 Year-2021 Thana- BIHARSHARIF RAIL P.S. District- Patna

AJAY S/o Chhote Lal Resident of Dharahara, P.S.- Ubhao, District - Balia (U.P.).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Kumar, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 13-05-2022 Heard learned counsel appearing on behalf of the petitioner and learned A.P.P. for the State.

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

The petitioner seeks regular bail in connection with Special Case No. 5995 of 2021, arising out of Bihar Sharif P.S. Case No. 05 of 2021 for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

Allegation is that altogether 113 litres of illicit liquor was recovered from the employees of the Railways working in the pantry car of the Shramjivi Express. Seizure list was prepared in presence of two independent witnesses and the same was handed over to the petitioner.



Learned counsel appearing on behalf of the petitioner submits that so far as the present petitioner is concerned, total recovery is 8 bottles of illicit liquor each containing 750 ml from his possession. It is further submitted that the petitioner is innocent and he is employee of the Railways and it cannot be imagined from a employee who is well aware of the fact that there is complete prohibition in the State of Bihar can indulge in an illegal activity putting his career at stake. Petitioner has been roped in the case due to enmity with the GRP constables. Petitioner is in custody since 23.09.2021. Hence the petitioner be released on bail.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner. He submits that the trade of illicit liquor is rampant in the State of Bihar. In spite of complete prohibition in the State, due to consumption of illicit liquor, people at large are dying everyday and they are suffering from various physical disorder, as such it would not be in public interest to release the petitioner on bail.

IG/Railway Protection Force is directed to take all necessary efforts to maintain sanctity within his jurisdiction so that in future Railway employees may not indulge in such illegal act. So far as the present case is concerned, he is required to



furnish a report to the court below with respect to the action taken by him in stopping such carriers who are, in fact, employees of the Railways or employees of the contractor of the pantry car.

Considering the aforementioned facts and circumstances of the case and taking into consideration the period of custody undergone by the petitioner and the quantity recovered from the possession of the petitioner as per the seizure list, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.100,000/- (Rupees one lac) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Act, Patna in connection with Special Case No. 5995 of 2021, arising out of Bihar Sharif P.S. Case No. 05 of 2021, subject to the following conditions:-

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

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

(3) 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.

(4) 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 bonds.

(Purnendu Singh, J)

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