

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6597 of 2022

Arising Out of PS. Case No.-298 Year-2021 Thana- KATRA District- Muzaffarpur

1. RANJEET SAHNI Son of Ram Gulam Sahni Resident of Village - Dhamaur, P.S.- katra, Distt.- Muzaffarpur.
2. Parwati Devi W/o Not mention Resident of Village - Dhamaur, P.S.- katra, Distt.- Muzaffarpur.
3. Puja Devi W/o Jitendra Sahni Resident of Village - Dakrama, P.S.- Hathauri, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mazharul Hassan, Advocate
For the Opposite Party/s : Mrs. Renu Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 20-05-2022 Heard learned counsel appearing on behalf of the petitioners and learned A.P.P. for the State.

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

The petitioners seek regular bail in connection with Katra P.S. Case No. 298 of 2021, for the offence punishable under Sections 30(c), 32 and 41(1) of the Bihar Prohibition and Excise (Amendment) Act, 2016.

The allegation is recovery of 10 litres of Chulai liquor kept in a gallon and 09 litres of country made liquor from a hut near the newly constructed house of Parwati Devi.

Learned counsel appearing on behalf of the petitioners



submits that there are no specific allegations against the petitioners and the alleged hut does not belong to the petitioners or their family members. The alleged recovery is from the said hut with which the petitioners have no concern and even considering the quantity of country made liquor, the petitioners along with their family members have remained in custody since 16.11.2021. The petitioners have clean antecedent.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Considering the nature of allegation levelled against the petitioners, the alleged recovery is from the hut, which does not belong to the petitioners, the petitioners, above named, are directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rs. Twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Act, Muzaffarpur, in connection with Katra P.S. Case No. 298 of 2021, subject to the following conditions:-

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.
- (2) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.
- (3) If the petitioners tamper 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 petitioners.

(4) If the petitioners are found involved in similar nature of offence, after their release on bail, the trial Court shall take steps to cancel their bail bonds.

Considering the rampant growth of sale of illicit liquor in the State of Bihar, the Superintendent, Excise and Prohibition, Muzaffarpur as well as the concerned S.H.O 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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