

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7722 of 2022

Arising Out of PS. Case No.-798 Year-2021 Thana- FATUA District- Patna

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RAM SOHAWAN KUMAR @ RAMSOHAVAN KUMAR SON OF RAM
VRIKSH RAY @ RAMBRIKSHRAY RESIDENT OF VILLAGE-
MAKSUDPUR, P.S- FATUHA, DIST- PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rama Kant Singh

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1

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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 20.10.2021, seeks
regular bail in connection with Fatuha P.S. Case No. 798 of
2021 dated 17.10.2021 registered for offences punishable under
Sections 30(a)/56c of the Bihar Prohibition and Excise Act,
2018.

Allegation is of recovery of 1979.280 litres of Indian
made foreign liquor from the shop of the petitioner.

Learned counsel appearing on behalf of the petitioner
submits that petitioner has falsely been implicated in the present



case. Petitioner is running the business of cement and has no concern with the alleged recovery which has been shown from his shop. Due to enmity with the petitioner, other co-accused persons namely, Amar Gope and Amarnath Gope had kept the alleged illicit liquor in the shop of the petitioner. Petitioner has clean antecedent and he is in custody since 20.10.2021.

Learned A.P.P., for the State has opposed the prayer for grant of bail to the petitioner. He further submits that allegation is serious in nature. Huge quantity of liquor was stored in the cement godown of the petitioner. There is direct complicity of the petitioner to be involved in the sale of illicit liquor in the State of Bihar.

Considering the facts and circumstances of the case, allegation made in the FIR, petitioner has clean antecedent, the petitioner, above named, is directed to be released on bail upon furnishing bail bond of Rs. 500,000/- (Rupees Five Lacs) with two sureties of the like amount each to the satisfaction of learned Special Judge-cum-Excise, Patna City, Patna in connection with Fatuha P.S. Case No. 798 of 2021 dated 17.10.2021 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, Patna as well as SHO, Fatuha are required to file a specific report with respect to action taken by them in stopping the illicit trade of liquor within their jurisdiction. Admittedly, in the present case, foreign liquor which has been smuggled from other state was found to be stored in the cement shop of the petitioner.

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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