

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11464 of 2022**

Arising Out of PS. Case No.-215 Year-2021 Thana- CHOUTARWA District- West
Champaran

SUBHASH YADAV Son of Budhram Yadav Resident of Village - Sitapor,
Patilar, Police Station- Chautarwa, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kr Singh No. 1, Advocate

For the Opposite Party/s : Mr.Lakshmi Kant Sharma, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

2 13-06-2022 Heard learned counsel appearing on behalf of the
petitioner 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 petitioner seeks regular bail in connection with
Chautarwa P.S. Case No. 215 of 2021, for the offence
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act, 2016.

As per the allegation made in the F.I.R. altogether 64
litres of country made liquor, kept in two bags, was recovered
from the motorcycle bearing registration No. BR-22AP-9197.

Learned counsel appearing on behalf of the petitioner
submits that petitioner is innocent and he has falsely been
implicated in the present case. He further submits that nothing



has been recovered from the conscious possession of the petitioner. The petitioner is in custody since 20.11.2021.

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 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.

The I.G., Prohibition, Bihar is directed to submit a detailed report before the Court below with respect to the steps taken by him to stop the smuggling and manufacturing of both country made liquor as well as the Indian Made Foreign Liquor inside the territory of Bihar in general and particularly with respect to the District of West Champaran.

The said report is also required to be furnish before the Chief Secretary, Bihar, who is monitoring and is formulating the measures for checking the illicit trade of liquor in the State of Bihar. The Chief Secretary, Bihar is directed to take strict disciplinary action against the erring officials posted in the district of West Champaran for their failure to check manufacturing, smuggling and sale of illicit liquor in spite of the serious steps taken and directions issued by the State



Government.

Considering the fact that petitioner has pleaded his innocence, the court below is directed to release the petitioner on bail on furnishing bail bond of Rs. 2,00,000/- (Rs. Two Lakh) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Bagaha, West Champaran in connection with Chautarwa P.S. Case No. 215 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.

The Court below is directed to submit the report as furnished by the I.G. Prohibition, Bihar before the Registrar General, Patna High Court, Patna for taking necessary action.



Such report is required to be submitted by the I.G.
Prohibition, Bihar within two weeks from the date of
communication of this order.

Let a copy of this order be communicated to the
Chief Secretary, Bihar for taking necessary actions.

Accordingly, the present application is disposed of.

(Purnendu Singh, J)

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