

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11809 of 2022

Arising Out of PS. Case No.-358 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Gopalganj

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1. Rahul Yadav S/o- Jailal Rai @ Jailal Yadav R/o Village- Dharampur, P.S.- Bochaha, District- Muzaffarpur.
 2. Santosh Kumar @ Sajan Son of Kishori Ray Resident of Village- Dharampur, P.S.- Bochaha, District- Muzaffarpur.
 3. Krishna Kumar Son of Ramdev Ray Resident of Village- Lakshman Nagar, P.S.- Gaighat, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Mukesh Kumar, Advocate
	:	Mr. Shambhoo Kumar Suman, Advocate
For the Opposite Party/s	:	Mr.Rajesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

- 3 21-12-2022 Vide order dated 13.06.2022 passed by a Coordinate Bench, the petitioners were directed to be released on provisional bail till disposal of this case with certain conditions. Certain reports were also called for from the I.G., Prohibition and Commissioner, Commercial Taxes and they were directed to submit their respective reports to the Chief Secretary, Bihar. The Chief Secretary, Bihar was directed to submit a detailed report with respect to the steps taken for implementation of Bihar Prohibition and Excise Act, 2016 in its true spirit as well as the steps taken by him against the excise officials particularly in the Gopalganj district, who have failed to stop the smuggling and



manufacturing of liquor.

From the record, I find that a report has been received from Inspector General of Prohibition, Bihar, Patna. But no report from the Chief Secretary of the State of Bihar has been brought on record. However, considering the jurisdiction of this Court which is being exercised under Sections 439 and 440 of the Code of Criminal Procedure, I do not think any useful purpose would be served in keeping the matter pending for the report of Chief Secretary, Bihar.

Accordingly, the provisional bail granted to the petitioners vide order dated 13.06.2022 is hereby confirmed and the matter is disposed of.

(Arun Kumar Jha, J)

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