

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13541 of 2022

Arising Out of PS. Case No.-157 Year-2020 Thana- DUMRA District- Sitamarhi

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Pankaj Sharma S/o Sone Lal Thakur R/o Village - Kesariya @ Kethariya, P.S.
- Dumra, Dist.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Santosh Kumar, Advocate
For the Opposite Party/s :	Mr. Vikash Kumar, SC-11
	Mr. Ajit Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

9 14-12-2022 Heard Mr. Santosh Kumar, learned counsel for the

petitioner and Mr. Vikash Kumar, SC-11 and Mr. Ajit Kumar,

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.

This Court on 30.03.2022 had passed the following
order:-

*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 Dumra P.S. Case No. 157 of 2020 for the offence punishable under Sections 30(d) of the Bihar Prohibition and Excise Act, 2016.

The allegation is of recovery of 1455.480 liters of Indian Made Foreign liquor from the Bolero Pickup bearing Engine No. TBK1J78658, Chassis No. ZN2TBKK1J72521

*Taking into consideration the fact that similar matter is to be heard on 12.04.2022, in the meantime, the petitioner above named is directed to be released on **provisional bail** till disposal of this case, on furnishing bail bond of Rs.2,00,000/-(Rupees two lacs) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-II cum Special Judge, Excise, Sitamarhi in connection with Dumra P.S. Case No. 157 of 2020, on such terms and conditions as fixed by the court below.*

The D.T.O, Sitamarhi is directed to submit report with respect to details about owner of the Bolero Pickup bearing Engine No. TBK1J78658, Chassis No. ZN2TBKK1J72521 and motorcycle bearing registration No. BR-30Y-0976.

The trial court is directed to summon the Excise Superintendent, Sitamarhi as well as Superintendent of Police, Sitamarhi, District Transport Officer, Sitamarhi and the In charge Commercial Taxes Officer, Sitamarhi as to what measures they have taken to stop the illicit trade of liquor within their jurisdiction.

Such report must be submitted by the concerned authorities as mentioned



above to the court below within a period of two weeks and the court below shall submit a report before this Court on or before 12.04.2022. All the above authorities are directed to submit their respective report to the Commissioner, Prohibition and Excise Department, Bihar, the DGP, Bihar, the Principal Secretary, Transport Department, Bihar and the Commissioner, Commercial Taxes Department, Bihar.

Let the name of Shri Vikash Kumar, SC-11 appear in the cause list.

Learned counsel appearing on behalf of the petitioner submitted that a report has been submitted in the Court of Exclusive Excise Judge-I, Sitamarhi in compliance of the order dated 30.03.2022. Charge-sheet has been submitted against eight accused persons. Charge has been framed on 14.09.2022. In view of the report submitted and the materials available in course of investigation the matter be disposed off in light of Cr. Misc No. 45720 of 2021.

Considering the facts and circumstances of the case the Superintendent of Police, Sitamarhi is directed to produce all the prosecution witnesses on the date fixed by the trial Court without fail. He is also required to verify, as to whether, subsequent to the seizure of the two vehicles one Mahindra Bolero bearing registration no. BR06GE0104 and Bajaj Pulsar



motorcycle bearing registration no. BR30Y0976 are already been confiscated and have been auctioned or not. He is further required to verify from the Joint Commissioner, State Tax, Sitamarhi as to whether any E-Way bill has been generated with respect to the Mahindra Bolero bearing registration no. BR06GE0104 subsequent to the seizure or confiscation. In case if it is found even after the seizure and confiscation E-Way bills are being generated with respect to the aforesaid vehicles action is required to be taken against all the concerned. Such report must be furnished to the learned Registrar General of this Court within a period of three weeks from passing of this order.

The provisional bail granted vide order dated 30.03.2022 is confirmed on the same terms and conditions as contained in order dated 30.03.2022.

The Registrar, List and Computer is directed to place the record of this case along with Cr. Misc. No. 45720 of 2021 (Gurprit Singh @ Lali v. The State of Bihar) taking into consideration the fact that the matter relates to District Sitamarhi, which is a neighbouring district to Nepal and the smuggling of liquor has not been checked.

Let a copy of this order be communicated to the Director General of Police, Bihar and the Additional Chief



Secretary, Prohibition, Excise and Registration Department,
Government of Bihar.

(Purnendu Singh, J)

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