

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13762 of 2022

Arising Out of PS. Case No.-24 Year-2022 Thana- KHAJEKALA District- Patna

Sanjiv Kumar, S/o Late Jay Krishna Prasad, R/o Mohalla- Khajekalan, Beside
Danda Kucha Gali, P.S.- Khajekala, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Y.C. Verma, Sr. Advocate
		Mr. Ajay Kumar Jain, Advocate
For the Opposite Party/s :		Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 15-07-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Y. C. Verma, learned senior counsel for the petitioner and learned APP for the State through video conferencing.

The petitioner seeks regular bail, who is in custody in connection with Khajekalan P.S. Case No. 24 of 2022 registered for the offences punishable under Sections 30(a), 32(i) (ii), 33, 34, 36, 41(i)(ii) of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, it is alleged that while investigating in a case of a hooch tragedy, the informant came across of an information that some persons after buying spirit,



prepared illicit wine and used to sell in the market. On the aforesaid information, a raid was conducted in the godown and shop of the petitioner from where total 100 litres spirit like liquid is said to have been recovered, which is allegedly used for the purpose of manufacturing spurious wine and due to which several persons died.

Learned senior counsel appearing on behalf of the petitioner submits that the petitioner is said to be one of the proprietor of Ganga and Sons, Khajekalan having valid trading licence for wholesale and retail business of synthetic essential oil, chemical and perfumeries. It is further submitted that the synthetic essential oil seized by the police is not spirit, as claimed by the police in the F.I.R. However, the same is used for the preparation of hand wash, sanitizer, Lysol, Harpic etc, which was purchased by the petitioner from Ami Fine Fragrance, Kolkata for commercial purpose. It is next submitted that the petitioner used to sell the products of synthetic essential oil since long, as a stockist and for the aforesaid business firm, the petitioner has valid GST registration and the registration certification has also been duly issued in the name of the petitioner. It is next submitted that the petitioner is the only stockist and he sells synthetic essential oil and if the same is



used for any other purpose, the petitioner cannot be held to be liable for the same. It is lastly submitted that co-accused, namely, Vijay Kumar Gupta, has already been granted bail by the learned coordinate Bench of this Court in Cr. Misc. No. 12251 of 2022 vide order 30.06.2022 and moreover this petitioner is in custody since 29.01.2022 having fair antecedent.

On the other hand, learned APP for the State opposes the bail application and submits that a huge quantity of spirit, which is used for the purpose of manufacturing illicit liquor has been recovered from the shop/godown of the petitioner..

Having considered the submissions made on behalf of the parties and taking into consideration the fact that the recovered synthetic essential oil has neither been scientifically tested nor there is any material which shows that the same has been used for the purpose of manufacturing spurious/illicit liquor and the petitioner being registered stockist and having valid license for sell and purchase of synthetic essential oil and as such for any misuse of the same, the petitioner cannot be held responsible and moreover the co-accused person, having identical allegation, has already been granted bail by a coordinate Bench of this Court and the petitioner is in custody since 29.01.2022, let the petitioner, named above, be released on



bail on furnishing bail bonds of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna City in connection with Khajekala P.S. Case No. 24 of 2022 subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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