

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14277 of 2022

Arising Out of PS. Case No.-31 Year-2022 Thana- KUCHAIKOTE District- Gopalganj

RAJ KUMAR SINGH Son of Lalbahadur Singh Resident of Village - Jhakhra
, Areraj, P.s.- Govindganj, Distt.- East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashi Shekhar Tiwary, Advocate

For the Opposite Party/s : Mr. Braj Kishore Pd.(App)

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 15-06-2022 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 22.01.2022, seeks
regular bail in connection with Kuchaikote P.S. Case No. 31 of
2022 registered for offences punishable under Section 30 (a) of
the Bihar Prohibition and Excise Act, 2016 as amended up-to-
date.

As per the allegation made in the FIR, altogether
85.59 litres of different brands of Indian made foreign liquor
was recovered from a Swift Desire Car bearing Registration No.
BR06BU-4241. Accordingly seizure list was prepared.

Learned counsel appearing on behalf of the petitioner



submits that petitioner is the driver of the abovementioned vehicle and he was having no knowledge about the alleged liquor loaded on the car. Petitioner is innocent and has falsely been implicated in this case. Petitioner has clean antecedent and he is in custody since 22.01.2022.

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 being 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. Petitioner has filed a supplementary affidavit giving the details of criminal cases pending against him.

The Superintendent Excise, Gopalganj is directed to submit a detailed report before the I.G. Prohibition with respect to failure to stop smuggling of IMFL liquor inside the district of Gopalganj inspite of stringent measures taken by the State Government.

This Court finds that such failure cannot happen without complicity of the state officials including the Superintendent of Excise. The Additional Chief Secretary, Prohibition and Excise Department is directed to seek show-



cause from Superintendent Excise and other officials as to why smuggling and manufacturing of illicit liquor are not being stopped within the territory of Gopalganj. If the reasons as given by the Superintendent Excise, Gopalganj and erring officials are not satisfactory, show cause must be issued to the erring officials for taking necessary disciplinary action against such officers.

Taking into consideration the fact that the alleged recovery which has been made from the vehicle bearing Registration No. BR06BU-4241, the District Transport Officer, Gopalganj is directed to verify the owner of the aforementioned vehicle forthwith and file a detailed report before the Court below. Upon submission of such report, if the Court below is satisfied that aforementioned vehicle is not registered in the name of the petitioner or possessed by any of his family member, the petitioner, above named is directed to be enlarged on bail upon furnishing bail bond Rs. 200,000/- (Rupees Two Lacs) with two sureties of the like amount each to the satisfaction of learned 4th Addl. Session Judge cum Special Judge, Excise, Gopalganj in connection with Kuchaikote P.S. Case No. 31 of 2022 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.

Registry is directed to communicate this order to the Additional Chief Secretary, Prohibition and Excise, Government of Bihar.

(Purnendu Singh, J)

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