

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14618 of 2022**

Arising Out of PS. Case No.-838 Year-2021 Thana- JAHANABAD District- Jehanabad

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BINDU KUMAR @ BAUNA YADAV Son of Late Chandrika Yadav
Resident of Village - Sangatpar, P.S. and Distt.- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kunwar Digvijay Singh, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar, A.P.P.

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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 19.12.2021, seeks
regular bail in connection with Jehanabad Case No. 838 of 2021
registered for offences punishable under Sections 37(a), 30(d)
Bihar Prohibition and Excise Act, 2016 as amended up-to-date.

As per the allegation made in the FIR, altogether 30
litres of country-made liquor was recovered from the backseat
of one vehicle bearing Registration No. BR25PA-2037.

Learned counsel appearing on behalf of the petitioner
submits that petitioner is not involved either in the
manufacturing of the liquor or its illicit sale in the State of



Bihar. Nothing has been recovered from the conscious possession of the petitioner. Petitioner is innocent and he is in custody since 19.12.2021.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner. He submits that the trade of illicit liquor is rampant in the State of Bihar. In spite of complete prohibition in the State, due to consumption of illicit liquor, people at large are dying everyday and they are suffering from various physical disorder, as such it would not be in public interest to release the petitioner on bail.

The Superintendent Excise, Jehanabad 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 Jehanabad 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 Jehanabad. If the reasons as



given by the Superintendent Excise, Jehanabad 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. BR25PA-2037, the District Transport Officer, Jehanabad 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 of Rs. 50,000/- (Rupees Fifty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, (Excise)-II, Jehanabad in connection with Jehanabad Case No. 838 of 2021 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) The Court below is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will loose its force automatically.

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

(Purnendu Singh, J)

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