

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15464 of 2022

Arising Out of PS. Case No.-56 Year-2022 Thana- RIVILGANJ District- Saran

Nandlal Roy @ Nandan Ray, S/o Bharat Roy Resident of Village-
Ajayabganj, Nayaka Basti, P.S.- Bhagwan Bazar, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Kumar, Advocate

For the Opposite Party/s : Mr.Braj Kishore Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 26-08-2022 Heard Mr. Rajeev Kumar, learned counsel appearing
on behalf of the petitioner and Mr. Braj Kishore Prasad, 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.

The petitioner seeks regular bail in connection with
Rivilganj P.S. Case No. 56 of 2022, for the offence punishable
under Section 30(a), 30(c) of the Bihar Prohibition and Excise
Act, 2016.

The allegation against the petitioner is that he was
involved in preparation of country made liquor. A raid was
conducted in which thousand litres of spirit and 100 litres of
illicit liquor was recovered along with other articles.

Learned counsel appearing on behalf of the petitioner



submits that the petitioner is innocent and he has falsely been implicated in this case. He further submits that petitioner has been roped in the present case because two cases of similar nature are pending against him though he was not involved in the present crime in any manner. He is not involved either in manufacturing of the illicit liquor nor its trade. The petitioner was apprehended by the Police while he had gone out from his house to attend nature's call. The petitioner is in custody since 21.02.2022.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner and submits that it would not be in the interest of the society to release the petitioner on bail as after consuming country made liquor hooch tragedy is rampant in the State of Bihar.

Considering the aforementioned facts and circumstances of the case, the Additional Chief Secretary, Prohibition and Excise, Bihar is directed to hold inquiry at his own level as to what measures have been taken by him to stop manufacturing of country made liquor inside the State of Bihar. The complicity of the local State authorities in the area cannot be denied. Such report must be, positively, furnished after obtaining report from the Superintendent of Police, Saran at



Chapra. He is further directed to seek Show Cause from the concerned Inspector of Excise, Saran at Chapra as why he has failed to stop illicit trade of liquor within his jurisdiction. In case the Additional Chief Secretary, Prohibition and Excise is not satisfied with show cause filed by the Superintendent Excise/ The Inspector Excise and from the report of Superintendent of Police prima facie, it appears either complicity of the excise officials or their laches on their part, legal action is required to be taken against them. If the petitioner files his personal affidavit giving his undertaking before the Court below that he will cooperate with the Excise Authorities as well as the Police authorities and will never involve in liquor trade, the court below is directed to be enlarged the petitioner, above named, on bail on furnishing bail bond of Rs. 50,000/- with two sureties of the like amount each to the satisfaction of the learned 2nd Exclusive Special Excise Court, Saran at Chapra in connection with Rivilganj P.S. Case No. 56 of 2022, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court.

(3) 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.

(4) 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 bonds.

(Purnendu Singh, J)

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