

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.16055 of 2022**

Arising Out of PS. Case No.-361 Year-2020 Thana- KATIHAR NAGAR District- Katihar

Aman Kumar @ Chhotu Mandal @ Chhotu Kr. Mandal @ Aman Mandal S/o  
Late Yugal Kishor Mandal, R/o- Nayatola, Durgamandir, P.S.- Katihar Town,  
District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Sanjeev Kumar Singh, Advocate.

For the Opposite Party/s : Mr.Suresh Prasad Singh, APP.

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL ORDER**

5      30-11-2022                      Heard Mr. Sanjeev Kumar Singh, learned counsel  
  
appearing on behalf of the petitioner and Mr. Suresh Prasad  
  
Singh, learned APP for the State.

2. This Court vide order dated 06.09.2022 has  
  
directed the petitioner to be released on following conditions:-

“Additional Chief Secretary, Prohibition and  
Excise, Bihar is directed to seek report from the  
District Magistrate, Katihar; Superintendent of  
Police, Katihar; Commercial Taxes Officer In-  
charge, Katihar and Superintendent (Excise),  
Katihar as to why they have not been able to stop  
smuggling of illicit liquor from outside the State as  
well as manufacturing of huge quantity of country  
made liquors under their jurisdiction.

The Additional Chief Secretary, Prohibition  
and Excise is also directed to submit his personal  
finding on such reports submitted to him and  
forward the same to the Chief Secretary, Bihar and  
also records relating to his finding to the Special  
Court, Excise, Katihar.

If the Special Judge, Excise, Katihar  
considers the finding of the Additional Chief  
Secretary based on the reports submitted by the  
authorities within whose jurisdiction illicit liquor



has been seized, comes to the conclusion that the same has happened in connivance with the authorities concerned and the petitioner who has pleaded before this Court that he is innocent because nothing has been recovered from his possession and the recovery is from co-accused namely Pappu Thakur from whose possession the seized liquors have been recovered has already been released on bail vide order dated 05.02.2021 passed in Cr. Misc. No. 38058 of 2020, may be released on bail on such terms and conditions as the court below deems fit and proper.

The Special Judge, Excise, Katihar is directed to forward the copy of the finding of the Additional Chief Secretary, Prohibition and Excise, Bihar based on the reports submitted by the authorities mentioned in the order, to the learned District Judge, Katihar for placing the matters, relating to the crime committed under the Bihar Prohibition and Excise Act, 2016 before the District Level Monitoring Committee to formulate measures to stop the illicit trade of liquor within his jurisdiction.

The District and Sessions Judge, Katihar is required to submit report to the learned Registrar General, Patna High Court, Patna and the same be submitted forthwith by the Registrar General to this Court for taking up the matter on its judicial side.

Accordingly, the present bail application stands disposed of.

Let a copy of this order be communicated to the Additional Chief Secretary, Prohibition and Excise, Government of Bihar.

3. In compliance of the order dated 06.09.2022, the Special Judge, Excise, Katihar and the Additional District and Sessions Judge-cum-Special Judge, Excise-II, Katihar had not submitted their report before the learned Registrar General of this Court. Accordingly, Registry vide Memo No. 696-702 dated 18.11.2022 informed this Court with following notes:-

“Copy of order dated 06.09.2022 forwarded to Additional Chief Secretary, Prohibition and Excise,



Government of Bihar, Patna, District Magistrate, Katihar; Superintendent of Police, Katihar, Superintendent (Excise), Katihar; Commercial Taxes Officer-In-charge, Katihar; Special Judge, Excise, Katihar and District and Sessions Judge, Katihar for information and necessary action.”

4. The matter was placed before this Court on 23.11.2022 on which date this Court directed the District and Sessions Judge, Katihar and the Special Judge, Excise, Katihar to file their personal show cause as to why they were not able to seek report from the authorities mentioned in the order dated 06.09.2022. In compliance, the District and Sessions Judge, Katihar has filed his show cause and communicated the same vide e-mail dated 29.11.2022 along with eight attachments and he also forwarded the personal show cause filed by Shri Amit Raj, Additional District and Sessions Judge-cum-Special Judge, Excise-II, Katihar contained in Letter bearing No. 192/2022 dated 28.11.2022 in compliance of the order dated 06.09.2022 and 23.11.2022 passed in the present case.

5. Having perused the show cause filed on behalf of the two judicial officers namely the District and Sessions Judge, Katihar and the Additional District and Sessions Judge-cum-Special Judge, Excise-II, Katihar appears to have complied the direction given in order dated 06.09.2022 and 23.11.2022. The reason given by them in their personal show cause are



satisfactory. In such circumstances, separate show cause filed on behalf of the District and Sessions Judge, Katihar and the Additional District and Sessions Judge-cum-Special Judge, Excise-II, Katihar are accepted.

6. From perusal of show cause, it appears that the petitioner who was released on bail vide order dated 06.09.2022 has sworn false affidavit by informing this Court in Para-3 of the bail application that only three cases are pending against him. Paragraph No.3 is reproduced as under:-

“That the petitioner is implicated in other case vide (1) Katihar Muffasil P.S. Case No. 137 of 2016, u/s-392 IPC. (2) Katihar Town P.S. Case No. 321 of 2019, u/s 392 IPC. (3) Katihar Town P.S. Case No. 698 of 2019, u/s 307, 302/34 IPC.

7. In the show cause, the Additional District and Sessions Judge-cum-Special Judge, Excise-II, Katihar has reported that there are seven criminal cases pending against the petitioner and reference to that effect is contained in Para-42 of the case diary.

8. Learned counsel appearing on behalf of the petitioner submits that the pairvikar of the case had not given him correct information about criminal antecedent of the petitioner and as such on perusal of the records of the present case and the reports submitted by the two judicial officers, it appears that incorrect statement has been made in Para-3 of the



bail application. Under such circumstances, he submits that a misconceived mentioning has been made before this Court on the instruction of his client and in such circumstances appropriate action may be taken against the pairvikar of the case for having suppressed the vital information from this Court by swearing a false affidavit and prays for recall of the order dated 06.09.2022.

9. In above mentioned circumstances and having heard the learned counsel appearing on behalf of the petitioner, it appears that the pairvikar of the petitioner has given false information with respect to the criminal antecedent of the petitioner amounting to having played fraud upon the Court, the order dated 06.09.2022 granting bail is recalled and this Court imposes cost of Rs.10,000/- to be payable by the petitioner in the account of the Patna High Court Legal Services Committee.

10. Accordingly, the present bail application is consigned.

**(Purnendu Singh, J)**

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