

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17780 of 2022

Arising Out of PS. Case No.-301 Year-2020 Thana- GAIGHAT District- Muzaffarpur

SUNIL KUMAR @ SUNIL SAH S/o Bhagyanarayan Sah R/o village-
Tengrari, P.S.- Siwaipatti, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Priyesh Kumar, Advocate
For the Opposite Party/s : Ms. Sharda Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 15-06-2022 Heard learned counsel appearing on behalf of the
petitioner and 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
Gaighat P.S. Case No. 301 of 2020, for the offence punishable
under Sections 272, 273, 414, 420, 467, 468, 471, 120(B) of the
Indian Penal Code and Section 30(a), 41 and 56(B) of the Bihar
Prohibition and Excise Act, 2016.

The allegation is recovery of 750 ML wine and 8000
litres spirit from a truck bearing registration no. WB25B-8871.

Learned counsel appearing on behalf of the petitioner
submits that the petitioner is innocent and he has falsely been
implicated in the present case. He further submits that petitioner
is not the owner of the said truck from which the alleged wine
and spirit had been recovered. Nothing incriminating material



has been recovered from the possession of the petitioner. He further submits that similarly situated co-accused Puja Devi, Anil Kumar Pandey have already been released on bail by a coordinate Bench of this Court vide order dated 10.08.2021 passed in Criminal Miscellaneous No. 29644 of 2021 and vide order dated 14.12.2021 passed in Criminal Miscellaneous No. 37487 of 2021, respectively. The petitioner is in custody since 04.02.2022.

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

Muzaffarpur district has become the den of trade of illicit liquor as well as manufacturing of illicit liquor and smuggling of not only illicit liquor but also of the contraband articles such as Ganja, Charas and Bhang etc.

Taking into consideration the fact that the alleged recovery has been made from a vehicle bearing registration No. WB25B-8871, the District Transport Officer, Muzaffarpur 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 on furnishing bail bond of Rs. 2,50,000/- (Rs. Two Lakh Fifty thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No.1,



Muzaffarpur in connection with Gaighat P.S. Case No. 301 of 2020, 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) The court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in paragraph No.3 of the bail application, this order will automatically loose its force.

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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