

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18227 of 2022**

Arising Out of PS. Case No.-366 Year-2021 Thana- KAJI MUHAMMADPUR District-
Muzaffarpur

MD. HAYAT BAQSH @ BACCHU MIAN @ MD. HAYAT BAKHASH Son
of Md. Hanif R/o- P.W.D Road Sheikhtoli, P.S.- Kazimohammadpur, District -
Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Ravindra Kumar
For the Opposite Party/s	:	Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 05-05-2022 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
Kazimohammadpur P.S. Case No. 366 of 2021, for the offence pun-
ishable under Sections 272 and 273 of the Indian Penal Code and
Section 30(a), 36 and 41 (i) of the Bihar Prohibition and Excise Act
and Sections 25(1-b)a, 35 of the Arms Act.

As per allegation made in the F.I.R. altogether 2.450 litres
of Indian Made Foreign Liquor for sale in Jharkhand and one country
made pistol without cartridge were recovered from the house of
petitioner.

Learned counsel appearing on behalf of the petitioner
submits that the alleged recovery has been made from his house,
which has been rented out to his tenants and whose details are



brought on record along with the present bail application. The petitioner is in custody since 20.02.2022. He further submits that the petitioner will cooperate with the excise officials, if he is released on bail on any terms and conditions imposed by this Court.

Sri Ajit Kumar, 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. He further submits that till date in several cases, he has arrived that so far as district of Muzaffarpur is concerned, it has become den of smugglers and the manufacturers, who are involved in illicit trade of liquor in the State of Bihar and involvement of the petitioner in the trade of illicit trade of liquor cannot be ruled and as such the petitioner does not deserve to be released on bail.

This Court has also arrived that so far as district of Muzaffarpur is concerned, it appears that trade of illicit liquor either foreign liquor or country made liquor is rampant and till date no measures have taken place. This Court has occasioned in Shrawan Kumar case in which the direction was given to the Commissioner Commercial Taxes to initiate proceeding and in due course, action has also been taken against the said officer by initiating departmental proceeding. In the present case, it appears that the excise officials in deliberate manner are allowing the illicit trade of liquor under their jurisdiction and as such the Additional Chief Secretary, Prohibition



and Excise is directed to obtain number of F.I.R lodged in district of Muzaffarpur with respect to excise cases and the measures, which has been taken by the Excise officials to carve out the trade of illicit liquor within the vicinity of Muzaffarpur district. It has also come to the knowledge of the Court that the main persons, who are involved in running syndicate, who are smuggling liquor inside the State of Bihar, particularly, in the district of Muzaffarpur are left free without lodging any criminal case against them.

The petitioner has pleaded his innocence and has also made specific statement that he will cooperate with the excise officials as well as the Police authorities to stop the illicit trade of liquor inside the district of Muzaffarpur, prima facie no recovery has been made from the conscious possession of the petitioner rather the alleged recovery has been made from the rented house of the petitioner.

The petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 50,000/- (Rs. Fifty thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Muzaffarpur in connection with Kazimohammadpur P.S. Case No. 366 of 2021, 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.

(5) 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.

Let a copy of this order be communicated to learned Advocate General, Bihar and the Additional Chief Secretary, Prohibition and Excise, Bihar for taking necessary action.

(Purnendu Singh, J)

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