

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38683 of 2021

Arising Out of PS. Case No.-309 Year-2017 Thana- LALGANJ District- Vaishali

Sanjiv Kumar Rai @ Sanjiv Kumar, Male, aged about- 34 years, Son of Jiya Lal Yadav @ Jiya Lal Rai Resident of Village - Mohammadpur, Police Station - Paroo, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramchandra Singh, Advocate

For the Opposite Party/s : Mr. Ajit Kumar, A.P.P.
Mr. Vikash Kumar, SC-11

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

17 16-11-2022 Heard Mr. Ramchandra Singh, learned counsel appearing on behalf of the petitioner and Mr. Ajit Kumar, learned A.P.P. and Mr. Vikash Kumar, learned SC-11 for the State.

2. The allegation against the petitioner and other co-accused is that altogether 2529 litres of illicit liquor was recovered from a truck bearing Registration No. RJ-19GD-7254.

3. Learned counsel appearing on behalf of the petitioner submitted that the said truck bearing Registration No. RJ-19GD-7254 is registered in the name of one Mohan Ram Bishnoi and the driver of the said truck has also been made accused in the case. The name of the petitioner has surfaced on



his confessional statement who is in custody has stated that the liquor was to be delivered to the petitioner. It is further submitted that such confessional statement made in police custody has no evidentiary value and petitioner, who is innocent has been languishing in custody since 25.03.2021. Learned counsel for the petitioner informs this Court that in paragraph no. 3 of the main bail application and in supplementary affidavit he has given details of the 13 cases which are pending against the petitioner and in all those cases he is on bail. No progress has taken place in the trial. He further submitted that he undertakes to abide by any terms and conditions imposed by this Court if he is released on bail.

4. Mr. Ajit Kumar, learned A.P.P. for the State submits that out of altogether 13 cases, three cases have been registered under the provision of Bihar Prohibition and Excise Act, 2016. The name of the petitioner was taken by the driver who was in a condition to give correct information about the person and place where the huge transaction of liquor was to be delivered. He further submitted that in remaining ten cases allegation against him is of committing serious offence. The State Government has taken the smuggling and manufacturing of the liquor very seriously and has now undertaken to break the supply chain of



the smuggling of liquor and in case, the petitioner, against whom *prima facie* a case of smuggling is made out will engage in smuggling as such it would not be proper to release the petitioner on bail.

5. This Court, vide order dated 03.08.2022 had directed the State Government in particular the State Tax Department to develop a mechanism in consultation with the GST Council to block the generation of E-way Bills with respect to such trucks which are seized and confiscated in the State of Bihar.

6. It has been informed by Mr. Vikash Kumar, learned SC-11 that to break the supply chain, State Government is under obligation to take all measures and blocking of generation of E-way Bills is one of such steps but till date no substantial co-operation has been extended by the GST Council. In this regard, Mr. Vikash Kumar informs this Court that vide Letter No. 1515 dated 06.06.2022 they had already informed the GST Council but no response has been received from their end.

7. This Court finds that vide order dated 21.04.2022, the petitioner was directed to file supplementary affidavit giving details of his occupation in which he is involved, details of income tax returns filed by him, his Aadhar Card and the stage



of the trial of all the cases mentioned in Para-3 of the bail application.

8. In response to the said, a supplementary affidavit has been filed on behalf of the petitioner that he is engaged in the business of fisheries and has given details in paragraph no. 4 of the supplementary affidavit which is *inter-alia* as under:

“That it is further submitted that Petitioner has filed Income Tax Return of Assessment Year 2021-22 in his name Sanjeev Ranjan Kumar son of Sri Jiya Lal Yadav, Mohamadpur, Paroo S.O., Mohamadpur Paru, Muzaffarpur, 05-Bihar, 91-India, 843112.

It is further submitted that Petitioner is also known as Sanjeev Ranjan Kumar @ Sanjive Kumar Rai @ Sanjiv Kumar.”

9. It is further stated in paragraph no. 5 that there is only 13 criminal cases and the details relating to the stage of such cases are mentioned in the said paragraph which is quoted herein below:

“5. That it is further submitted that petitioner is accused in 13 cases as mentioned in paragraph no. 3 of the main bail petition and the stage of the aforesaid cases are mentioned below:-

(I) Paroo P.S. Case No. 224 of 2011 is pending for evidence before the Court of learned A.C.J.M.-3 Muzaffarpur West.

(II) Paroo P.S. Case No. 28 of 2012 (SC/ST Case) is pending for evidence before the Court of learned Special Judge (SC/ST), Muzaffarpur West.

(III) Paroo P.S. Case No. 49 of 2013 is pending for evidence before the Court of learned



A.C.J.M.-3, Muzaffarpur West.

(IV) Paroo P.S. Case NO. 349 of 2014 is pending for evidence before the Court of learned A.C.J.M.-3, Muzaffarpur West.

(V) Paroo P.S. Case No. 163 of 2015 is pending for evidence before the Court of learned Special Court, Excise, Muzaffarpur West.

(VI) Paroo P.S. Case No. 197 of 2015 is pending for evidence before the Court of learned A.C.J.M.-3, Muzaffarpur West.

(VII) Paroo P.S. Case No. 198 of 2015 is pending before the Court of learned A.C.J.M.-3, Muzaffarpur West in which final form has been submitted by the Investigating Officer.

(VIII) Paroo P.S. Case No. 22 of 2018 is pending before the Court of learned A.C.J.M.-3, Muzaffarpur West, in which Charge Sheet has not submitted.

(IX) Paroo P.S. Case No. 209 of 2018 is pending before the Court of learned A.C.J.M.-3, Muzaffarpur West.

(X) Paroo P.S. Case No. 289 of 2018 (But wrongly typed as 269 of 2018) is pending before the Court of learned A.C.J.M.-3, Muzaffarpur West, in which charge sheet has not submitted.

(XI) Lalganj P.S. Case No. 20 of 2020 is pending before the Court of learned Special Judge, Excise, Vaishali at Hazipur.

(XII) Muzaffarpur Town P.S. Case No. 223 of 2020 is pending before the Court of learned Special Judge, Excise, Muzaffarpur West.

(XIII) Muzaffarpur Town P.S. Case No. 397 of 2020 is pending before the Court of learned Judicial Magistrate Cum Sub Judge-10, Muzaffarpur West in which Charge has been framed.”

10. The petitioner has filed supplementary affidavit to the extent as required vide order dated 21.04.2022. There is no chance of the trial of the present case to be concluded in near



future and the other co-accused persons named in the F.I.R. have already been released on bail. From the allegation made in the F.I.R., it appears that the driver of the truck has taken the name of the petitioner that the huge consignment of liquor was to be delivered to the petitioner. Petitioner has 13 criminal antecedents and it will not be in the interest of the society to release the petitioner on bail. However, the petitioner may renew his prayer for bail if the trial is not concluded within a period of 11 months from the date of this order.

11. Accordingly, the present bail application is dismissed.

12. Mr. Vikash Kumar, learned SC-11 informs this Court that based on the reports on behalf of the State Government in the present case and other cases, the State Government has undertaken serious measures to stop the supply chain of the liquor and such reports are required to be referred particularly with respect to the measures taken by the State Government and in the said view, the records of the present case may be placed along with the records of Criminal Miscellaneous No. 14308 of 2022 (Niraj Singh @ Niraj Kumar Singh vs. The State of Bihar).

13. In view of the submission made by Mr. Vikash



Kumar, learned SC-11, Registrar (List & Computer) is directed to place the records of the present case along with the records of the Criminal Miscellaneous No. 14308 of 2022 (Niraj Singh @ Niraj Kumar Singh vs. The State of Bihar).

(Purnendu Singh, J)

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