

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41867 of 2021

Arising Out of PS. Case No.-145 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

=====

KUMAR SHASHANK Son of Rambabu Singh Resident of Village- Dumri
Kala, Ward NO.-11, P.S.- Mejorganj, District- Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s :	Mr.Ranjeet Kumar Mishra, Adv.
For the Opposite Party/s :	Mr.Vikash Kumar, SC-11
	Mr. Upendra Kumar, APP

=====

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

13 21-06-2022 Heard learned counsel for the petitioner, learned
counsel appearing for Excise Department and learned A.P.P. for
the State.

The present petitioner has been granted provisional
bail by the co-ordinate Bench of this court vide order dated
16.05.2022 in which there is specific direction that an affidavit is
required to be filed on behalf of the
petitioner giving details of the owner of the vehicle, as to how
he is connected with the illicit trade of liquor, name of the
person for whom the petitioner was working and where the
liquor was to be transported. The said affidavit should also
include the manner in which the smuggling are being done from
the Nepal and how the huge quantity of liquor has been



smuggled inside the State of Bihar in spite of the fact that custom officials are there on the border as well as S.S.B. is also deputed all along the territory of India adjacent to the territory of Nepal.

Learned counsel for the petitioner submits that petitioner has already submitted supplementary affidavit in the light of the direction given by the Hon'ble Court in which in para 4 it has been mentioned that owner of vehicle no. BR30P 0469 is Lalan Singh, son of Viswanath Singh and owner of vehicle no. BR06PA 1523 is Md. Dabir Haidar, son of Jafir Haidar as per report submitted by District Transport Officer, Sitamarhi. It has been submitted that petitioner was not working with any person or any company as well as no concern in any manner with the illicit trade of liquor. He further submits that petitioner is not in a position to submit affidavit with regard to the manner in which the smuggling are being done from the Nepal and how the huge quantity of liquor has been smuggled inside the State of Bihar in spite of the fact that custom officials are there on the border as well as S.S.B. is also deputed all along the territory of India adjacent to the territory of Nepal as he was no any way concerned with the illicit trade of liquor.

Learned counsel appearing for the Excise



Department has already submitted a report in pursuance of the order dated 22.01.2022 and the report submitted by the concerned department is totally consistent with the affidavit submitted by counsel of the petitioner.

Learned A.P.P. does not controvert the submission of learned counsel of the petitioner on the said point.

Keeping in view all the facts and circumstances of the case, the provisional bail granted to the petitioner by the co-ordinate Bench of this court vide order dated 16.05.2022 in C2 Case No. 145 of 2021 is hereby confirmed in pursuance of the compliance of the order passed by the co-ordinate Bench of this court.

However, the conditions which have been imposed earlier while granting provisional bail shall be applicable in the same way.

Accordingly, the petition stands disposed of.

(Alok Kumar Pandey, J)

shahzad/-

U		T	
---	--	---	--

