

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48787 of 2021

Arising Out of PS. Case No.-125 Year-2021 Thana- MAKER District- Saran

SARBJIT RAI @ SARBJEET KUMAR RAY S/O NAGINA RAI R/o village-
Fulwariya, P.S.- Maker, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate
For the Opposite Party/s : Mrs. Pushpa Sinha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 25-03-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner, who is in custody since 18.07.2021, seeks
regular bail in connection with Maker P.S. Case No. 125 of 2021
registered for offences punishable under Sections 30, 30(a) of the
Bihar Prohibition and Excise Act, 2016.

Prosecution story in brief is that altogether 315 litres of
country-made liquor was recovered from beside the house of the
petitioner kept beneath the earth.

Learned counsel appearing on behalf of the petitioner
submits that since petitioner has been implicated in several case
under Bihar Prohibition and Excise Act as such he has been



roped in the present case, though nothing has been recovered from the conscious possession of the petitioner. Petitioner is in custody since 18.07.2021 and as such be released on bail on such terms and conditions as fixed by this Court.

Learned A.P.P., for the State has opposed the prayer for grant of bail to the petitioner. He submits that illicit trade of liquor is rampant in the State of Bihar and the authorities have failed to check the same in spite of the complete prohibition in the State. On and of there is news of hooch tragedy and in the present case, admittedly, the seizure of liquor has been made beside the house of the petitioner. Petitioner is habitual as would appear from paragraph no. 3 of the bail application.

Considering the aforesaid facts and circumstances of the case, the Court below is directed to obtain a specific report from the Superintendent of Excise, Saran at Chapra who is required to give reasons for his failure in checking the trade of illicit liquor within his jurisdiction. It appears to this Court that there is complete failure in observing his statutory duty and in implementing the provisions of Bihar Prohibition and Excise Act, 2016 as amended up to date. If the Court below does not find any plausible reasons in the report is directed to immediately send the report to Commissioner, Prohibition and Excise, Bihar by 31.03.2022 for taking appropriate action for having failed to



check the illicit trade of liquor within his jurisdiction.

So far as the petitioner is concerned in the present case, he has pleaded his innocence and from the perusal of the F.I.R. it appears that the illicit liquor has not been recovered from his house and nothing has been recovered from his conscious possession, the petitioner, above named, is directed to be released on bail upon furnishing bail bond of Rs. 100,000/- (Rupees One Lac) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge cum Special Judge, Excise, Saran in connection with Maker P.S. Case No. 125 of 2021 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) 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.

(iv) 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 bond.

(v) The petitioner will make his attendance before the concerned police station under which his house is located



every week at 9 AM on Wednesday till conclusion of the trial and on any single default without any valid reasons on the part of the petitioner, his bail bonds shall be cancelled and the concerned SHO of the police station shall submit his monthly attendance report to the Superintendent of Police having jurisdiction.

(vi) The Court below is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will loose its force automatically.

With above observation and direction, the present bail application is disposed of.

(Purnendu Singh, J)

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