

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48780 of 2021

Arising Out of PS. Case No.-239 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Kishanganj

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SANJEEV KUMAR MAHTO Son of Late Mushhar Mahto Resident of
Mohalla - Azamnagar Durga Mandir, P.S. L.N. Mithila University Campus,
District - Darbhanga.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amarendra Narayan, Advocate

For the Opposite Party/s : Mr. Shaheen Begum, A.P.P.

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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 10.07.2021, seeks
regular bail in connection with Special Case No. 239 of 2021
registered for offences punishable under Section 30(a) of the
Bihar Prohibition and Excise Act, 2016.

Prosecution story in brief is that altogether 151.875
litres of foreign liquor was recovered from a Honda City car
bearing registration no. WB02U2847 on which petitioner was
found to be one of the co-passengers.



Learned counsel appearing on behalf of the petitioner submits that petitioner has no concern either with the alleged illicit liquor or with the Honda City car bearing registration no. WB02U2847. He is in custody since 10.07.2021 and has clean antecedent.

Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. She submits that illicit trade of liquor is rampant in the State of Bihar and seems now to have become out of control. Total quantity of liquor recovered is 151.875 litres and appears to have been imported from the outside of the State of Bihar, to release the petitioner will be against the public interest.

Considering the rival submissions of the parties, nothing has been recovered from the conscious possession of the petitioner, the petitioner above named is directed to be released on **provisional bail till disposal of this case**, on furnishing bail bond of Rs. 50,000/- (Rupees Fifty Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge 2nd cum Spl. Judge, Kishanganj or court concerned in connection with Special Case No. 239 of 2021 on such terms and conditions as fixed by the Court below.



The trial court is directed to summon the Excise Superintendent, Kishanganj as well as Superintendent of Police, Kishanganj, District Transport Officer, Kishanganj and the In charge Commercial Taxes Officer, Kishanganj as to what measures they have taken to stop the illicit trade of liquor within their jurisdiction.

Such report must be submitted by the concerned authorities as mentioned above to the court below within a period of two weeks.

All the above authorities are directed to submit their respective report to the Commissioner, Prohibition and Excise Department, Bihar, the DGP, Bihar, the Principal Secretary, Transport Department, Bihar and the Commissioner, Commercial Taxes Department, Bihar.

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

(Purnendu Singh, J)

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