

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58702 of 2021

Arising Out of PS. Case No.-222 Year-2021 Thana- NAUTAN District- West Champaran

SANTOSH SAH s/o- Late saryug Sah Resident of Village - Gahiri mudaliya,
P.S. - Nautan, District - west Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Digvijay Kumar Ojha

For the Opposite Party/s : Mr.Asha Devi

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 19-05-2022 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
Nautan P.S. Case No. 222 of 2021, for the offence punishable
under Section 413 and 414 of the Indian Penal Code and Section
30(a) of the Bihar Prohibition and Excise Act, 2016.

The allegation is recovery of 240 litres of beer from
the car bearing registration No. DL-3CAJ-9298.

Learned counsel appearing on behalf of the petitioner
submits that the petitioner has clean antecedent and he is in
custody since 19.08.2020. He further submits that the alleged
recovery has been made from the car with which the petitioner
has no concern. The said car owned by co-accused Bhaskar



Kumar. The petitioner was the driver of the said car.

Smt. Asha Devi, learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner and submits that huge quantity of beer was recovered from the car, the petitioner was the driver of the said car, which is owned by one Bhaskar. The petitioner cannot be exempted to be kept such quantity of liquor in the car for consumption. Admittedly, the petitioner is engaged in illicit trade of liquor and there is every likelihood that he is engaged in smuggling of liquor in the manner in which the said vehicle which is registered outside the State of Bihar has entered in the State.

Sri Vikash Kumar, SC-11 submits that the modus operandi adopted by the petitioner requires a details report as in the present case co-accused Bhaskar Kumar, who has been apprehended on the spot bears several criminal cases under Excise Act pending against him as such this case will be taken as test case so that exact modus operandi of such smugglers can be determined and the import of illicit liquor manufactured outside the State of Bihar can be stopped the petitioner was found driving the said car as such he does not deserve to be released on bail.

Considering the nature of allegation made in the



present case, admittedly, co-accused Bhaskar Kumar against whom cases under Excise Act are pending. The petitioner has clean antecedent. He is in custody since 19.08.2021. The Court below is directed to obtain report from the S.P. West Champaran, the District Transport Officer, West Champaran with respect to the details of the vehicle in question and the Excise Superintendent, West Champaran giving details as to what action has been taken in all such cases in which huge quantity of liquor has been recovered. If the court below finds the said vehicle is not registered in the name of the petitioner, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 1,00,000/- (Rs. One Lakh) with two sureties of the like amount each to the satisfaction of the learned Special Excise Judge, Excise, Bettiah, West Champaran in connection with Nautan P.S. Case No. 222 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 the petitioner is found accused in any other case, as mentioned in paragraph No.3 of the bail petition, this order will automatically loose its force.

(Purnendu Singh, J)

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