

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63484 of 2021**

Arising Out of PS. Case No.-181 Year-2018 Thana- SAHEBPUR KAMAL District-
Begusarai

=====

NITYANAND RAI Son of Late Ram Baran Rai Resident of Ward No.05,
Village- Birpur West, P.S.- Birpur, District- Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Raj Krishan Jha, Advocate

For the Opposite Party/s : Mrs. Asha Devi, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 20-05-2022 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
Excise Case No. 253 of 2018, arising out of S. Kamal P.S. Case
No. 181 of 2018, for the offence punishable under Sections 414,
120(B)/34 of the Indian Penal Code and Section 30(a), 32(3),
34(B), 36 and 38(2) and 41(1) of the Bihar Prohibition and
Excise Act, 2016.

The allegation is recovery of 177.81 liters of Indian
Made Foreign Liquor from the Maruti car bearing registration
No. BR-31A-8283 and 552.060 liters of Indian Made Foreign
Liquor from Pick up van bearing registration No. BR-01GD-



9104 and 224.13 litres of Indian Made Foreign Liquor recovered from the house of co-accused Chandan Kumar.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. He further submits that petitioner has clean antecedent and he is in custody since 09.09.2021. He further submits that petitioner is not the owner of BR-31A-8283 and without verifying the said fact the petitioner has been named in the present case.

Smt. Asha Devi, learned A.P.P. for the State submits that two vehicles were involved in commission of offence from which huge quantity of liquor has been recovered. The petitioner was found to have loaded altogether 177.81 litres of Indian Made Foreign Liquor on the vehicle bearing registration No. BR-31A-8283. A report from Excise Superintendent, Begusarai as well as the District Transport Officer, Begusarai is required in the present case.

Sri Vikash Kumar, SC-11 submits that vide order dated 29.04.2022, the Additional Chief Secretary, Prohibition and Excise, Bihar, Commissioner, Commercial Taxes Department, Bihar and the District Transport Officer, Begusarai were directed to file a report in the present. However, the same



has not been filed, but, considering the specific submission made by the petitioner that he is neither the owner of the Maruti car bearing registration No. BR-31A-8283 as well as Pick up bearing registration No. BR01GD-9104 from where illicit liquors were unloaded. It would be proper that such reports be file before the learned Court below by the above authorities mentioned in the present case.

Considering the aforementioned facts and circumstances of the case, it would be proper that in the light of order dated 29.04.2022, the authorities mentioned therein, are required to furnish their reports before the learned Special Judge Excise Act, Begusarai in connection with Excise Case No. 253 of 2018 within a period of three weeks from the date of the communication of this order. The Court below on perusal of the said report submitted by the above responsible officers of the State, if finds that the two vehicles i.e. Maruti car bearing registration No. BR-31A-8283 as well as Pick up bearing registration No. BR01GD-9104 is registered in the name of some other persons, the petitioner, above named, is directed to be enlarged on bail on such terms and conditions as fixed by the Court below.

It is made clear that the reports and the order passed



by the Court below must be communicated to the Additional Chief Secretary, Prohibition and Excise, Bihar within a week and in this regard the Superintendent Excise shall personally ensure communication of the order to the Additional Chief Secretary, Prohibition and Excise, Bihar.

With the above observation, the application filed on behalf of the petitioner is disposed of.

(Purnendu Singh, J)

manish/-

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

