

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63505 of 2021**

Arising Out of PS. Case No.-504 Year-2020 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

SUMANGAL SAHANI @ SHEOMANGAL SAHANI Son of Lala Sahani
Resident of Village - Sikandarpur Bandh, P.S. - Muzaffarpur Town, District -
Muzaffarpur, Bihar.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Prabhat Kumar Singh, Advocate
For the Opposite Party/s : Mr. Ajit Kumar, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

2 05-05-2022 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
Town P.S. Case No. 504 of 2020, for the offence punishable
under Sections 272 and 273/34 of the Indian Penal Code and
Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per allegation made in the F.I.R. altogether 40
litres of country made liquor was recovered from the cycle of
one Bajrangi Kumar.

Learned counsel appearing on behalf of the petitioner
submits that nothing has been recovered from the possession of
the petitioner rather the alleged recovery has been made from



the cycle of one co-accused Bajrangi Kumar, who disclosed the name of petitioner and made statement that he was carrying the alleged liquor to be delivered to the present petitioner. He further submits that said Bajrangi Kumar has already been enlarged on bail by a co-ordinate Bench of this Court vide order dated 26.03.2021 passed in Criminal Miscellaneous No. 40367 of 2020. He further submits that the petitioner will cooperate with the excise officials, if he is released on bail on any terms and conditions imposed by this Court.

Sri Ajit Kumar, learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner. He submits that the trade of illicit liquor is rampant in the State of Bihar. In spite of complete prohibition in the State, due to consumption of illicit liquor, people at large are dying everyday and they are suffering from various physical disorder. He further submits that till date in several cases, he has arrived that so far as district of Muzaffarpur is concerned, it has become den of smugglers and the manufacturers, who are involved in illicit trade of liquor in the State of Bihar and involvement of the petitioner in the trade of illicit trade of liquor cannot be ruled and as such the petitioner does not deserve to be released on bail.

This Court has also arrived that so far as district of



Muzaffarpur is concerned, it appears that trade of illicit liquor either foreign liquor or country made liquor is rampant and till date no measures have taken place. This Court has occasioned in Shrawan Kumar case in which the direction was given to the Commissioner Commercial Taxes to initiate proceeding and in due course, action has also been taken against the said officer by initiating departmental proceeding. In the present case, it appears that the excise officials in deliberate manner are allowing the illicit trade of liquor under their jurisdiction and as such the Additional Chief Secretary, Prohibition and Excise is directed to obtain number of F.I.R lodged in district of Muzaffarpur with respect to excise cases and the measures, which has been taken by the Excise officials to stop the trade of illicit liquor within the vicinity of Muzaffarpur district. It has also come to the knowledge of this Court that the main persons, who are involved in running syndicate/smuggling of liquor inside the State of Bihar, particularly, in the district of Muzaffarpur are left free without lodging any criminal case against them.

The petitioner has pleaded his innocence and has also made specific statement that he will cooperate with the excise officials as well as the Police authorities by giving details of the



persons involved in the present case to stop the illicit trade of liquor inside the district of Muzaffarpur. He has submitted that no recovery has been made from the possession of the petitioner, the alleged recovery has been made from the cycle of one Bajrangi Kumar, who has already been released on bail by a Co-ordinate Bench of this Court.

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 Judge, Excise Muzaffarpur in connection with Town P.S. Case No. 504 of 2020, 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 it is found that the petitioner is involved in some other cases as what has been stated in paragraph No.3 of the bail application, this order will automatically loose its force.

Let a copy of this order be communicated to the learned Advocate General, Bihar and the Additional Chief Secretary, Prohibition and Excise Department, Bihar for taking necessary action.

(Purnendu Singh, J)

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