

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65573 of 2021

Arising Out of PS. Case No.-222 Year-2020 Thana- BUXAR INDUSTRIAL District- Buxar

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SANJAY CHOUDHARY @ BHUWAR CHOUDHARY Son of Dinanath
Choudhary Resident of Village - Sath Ke Dera, P.S. - Narahi, District - Baliya
(U.P.).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravi Shankar Pathak

For the Opposite Party/s : Mr.Indu Kumari Srivastava

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

6 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
Buxar (Industrial) P.S. Case No. 222 of 2020, for the offence
punishable under Section 30(a) of the Bihar Prohibition and
Excise (Amendment) Act.

The allegation is recovery of 280 litres of Indian
Made Foreign Liquor from the possession of the accused
persons persons named in the F.I.R.

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 was



not apprehended on the spot and he has been roped in the present case on the confessional statement of co-accused. The petitioner is in custody in custody since 21.09.2021.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner and submits that it would not be in the interest of the society to release the petitioner on bail as after consuming country made liquor hooch tragedy is rampant in the State of Bihar.

Considering the aforementioned facts and circumstances of the case and period of custody undergone by 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 Addl. Sessions Judge-II-cum-Special Judge (Excise Act), Buxar in connection with Buxar (Industrial) P.S. Case No. 222 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.

Considering the rampant growth of sale of illicit liquor in the State of Bihar, the Superintendent, Excise and Prohibition, Buxar as as well as the concerned S.H.O are required to file a specific report with respect to action taken by them in stopping the illicit trade of liquor within their jurisdiction. Admittedly, in the present case, foreign liquor has been smuggled from other State.

The report must be filed directly before the Additional Chief Secretary, Prohibition and Excise Department, Bihar and I.G. Prohibition, Bihar.

The I.G. Prohibition is directed to file an action taken report before the learned Special Court, Excise, within three weeks.



Let a copy of this order be communicated to the I.G.,
Prohibition, Bihar.

(Purnendu Singh, J)

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