

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67994 of 2021

Arising Out of PS. Case No.-325 Year-2021 Thana- KUCHAIKOTE District- Gopalganj

1. ANIL RAM Son of Jaglal Ram Resident of Village- Khajuri, P.S.- Masrakh (Mashrakh), District- Saran at Chapra.
2. Rohit Ram Son of Garhan Ram @ Gahan Ram @ Grahan Ram Resident of Village- Benchhapra (Nahari Dhoghiya), P.S.- Masrakh (Mashrakh), District- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lokesh Kumar Singh
For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 20-05-2022 Heard learned counsel appearing on behalf of the petitioners and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two weeks of the complete start of the physical Court in normal course.

The petitioners seek regular bail in connection with Kuchaikote P.S. Case No. 325 of 2021 for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The allegation made in the F.I.R. is that altogether 300 litres of Kingfisher wine was recovered from a Santro car bearing Registration No. DL9CC0544 and two persons were



apprehended who disclosed their name as Anil Ram and Rohit Ram (petitioners).

It is submitted on behalf of the petitioners that both the petitioners who have been named in the F.I.R. have no concern either with the Santro car from which huge quantity of liquor was recovered or with the trade of liquor. Petitioners have clean antecedent and are in custody since 04.08.2021.

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, as such it would not be in public interest to release the petitioners on bail.

The District Transport Officer, Gopalganj is directed to furnish a report with respect to the car bearing Registration No. DL9CC0544. The report should also contain the name of the owner of the vehicle and if these petitioners are not owner of the said vehicle, the same should be communicated to the learned Special Judge, Excise, Gopalganj before whom the case is pending and information to that effect is also directed to be submitted before the Additional Chief Secretary, Prohibition and



Excise, Bihar. The Superintendent of Police, Gopalganj based on a report of the IG/Prohibition shall take all legal action against all the accused persons who are running the illicit trade of liquor in the State of Bihar. The District Transport Officer, Gopalganj is directed to submit his report before the learned Special Judge, Excise, Gopalganj within seven days from the date of communication of the order.

The court below is directed to release the petitioners if he is satisfied that the alleged vehicle is not registered in the name of above named two petitioners, on furnishing bail bond of Rs.100,000/- (Rupees one lac) each with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge-II cum Special Judge, Excise, Gopalganj in connection with Kuchaikote P.S. Case No. 325 of 2021, on such terms and conditions as fixed by the court below.

Accordingly, this application stands disposed of.

(Purnendu Singh, J)

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