

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68010 of 2021**

Arising Out of PS. Case No.-53 Year-2021 Thana- AGIAON BAZAR District- Bhojpur

PINTU CHOUDHARI Son of Bhagwan Choudhri Resident of Village-
Raghubir tola, P.S.- Agiaon Bazar, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Navin Kumar Singh

For the Opposite Party/s : Mr.Nand Kumar

**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), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner seeks regular bail in connection with
Agiaon Bazar P.S. Case No. 53 of 2021 arising out of Excise
Case No. 509 of 2021 for the offence punishable under Section
30(a) of the Bihar Prohibition and Excise Act, 2018.

As per the allegation made in the F.I.R., altogether
401.76 litres of foreign liquor which was secretly kept under the
rice straw was recovered from the khalihan of the petitioner.

It is submitted by learned counsel appearing on behalf
of the petitioner that nothing has been recovered from his



personal possession or from his house rather the recovery has been shown from outside the house of the petitioner. Liquors were camouflaged by the rice straw. Petitioner has clean antecedent and is in custody since 04.09.2021.

Learned APP appearing on behalf of the State submits that a report is required to be submitted by Superintendent of Excise, Bhojpur to the IG/Prohibition with respect to the present case in which huge quantity of liquor has been recovered after being smuggled from other States. The seizure list contains the name and brands of the liquor, as such, appropriate action is required to be taken to stop smuggling as well as its illicit trade on the basis of such information which are mentioned on the label of the bottles of the liquor. He further submits that name of the manufacturer, batch number, etc. are there and the Excise Superintendent who is in possession of such information after making proper and through investigation on his part, appropriate action can be taken by the IG/Prohibition and Excise.

Shri Vikash Kumar, learned SC-11 submits that in the present case, a report will be directly submitted before the IG/Prohibition by the Superintendent of Excise, Bhojpur and all the State authorities are taking necessary action to stop sale of illicit liquor and smuggling in the State of Bihar.



Considering the rival submission and the very fact that the petitioner has pleaded his innocence and he has made specific statement in Para-3 of the bail application that petitioner has clean antecedent, he has been roped in the present case due to vengeance of the police authority and the liquor mafia who are in connivance of each other and the petitioner is rotting in jail custody since 04.09.2021. He further submits that as and when petitioner's cooperation is required for stopping smuggling or its sale in his vicinity, he will cooperate with the authorities of the State Government.

Considering the aforesaid submission of the petitioner, he is directed to be released on bail, on furnishing bail bond of Rs.100,000/- (Rupees one lac) with two sureties of the like amount each to the satisfaction of the learned 4th Addl. Sessions Judge cum Special Judge, Excise, Bhojpur, Ara in connection with Agiaon Bazar P.S. Case No. 53 of 2021, on such terms and conditions as fixed by the court below.

Learned Special Judge, Excise, Bhojpur, Ara is directed to ensure compliance of the order and the responsibility caste upon two State authorities namely the Superintendent of Excise, Bhojpur and the IG/Prohibition to carry on their statutory duty in accordance with provision of Bihar Prohibition



and Excise Act, 2016.

Mr. Vikash Kumar, learned SC-11 submits that he will communicate the order of this Court to all the concerned authorities for taking necessary action, so far as the present case and similar cases are concerned.

Mr. Vikash Kumar, learned SC-11 is directed to file a compliance report on behalf of the two State authorities before the Registrar General.

Accordingly, this application stands disposed of.

(Purnendu Singh, J)

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