

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69779 of 2021**

Arising Out of PS. Case No.-125 Year-2021 Thana- KARJA District- Muzaffarpur

RAHUL KUMAR Son of Mr. Kamlesh Thakur Resident of Village- Rasulpur,
P.S.- Karja, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Thakur, Advocate.

Ms. Vaishnavi Singh, Advocate.

For the Opposite Party/s : Mr.Veena Kumari Jaiswal, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

2 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
Karja P.S. Case No. 125 of 2021 for the offence punishable
under Sections 272, 273/414/34 of the Indian Penal Code and
Section 30(a) of the Bihar Prohibition and Excise Act.

As per the allegation made in the F.I.R., altogether
198.72 litres of different brands of Indian made foreign liquor



were recovered from two Scorpio bearing registration no. JH22C3382 and WB02V0800. Petitioner was not apprehended on the spot.

Shri Ajay Kumar Thakur, learned counsel appearing on behalf of the petitioner submits that the petitioner has been falsely implicated in the present case. He submits that the name of the petitioner Rahul Kumar, Son of Kamlesh Thakur by interpolating has been inserted in the body of the F.I.R. He submits that such tampering made in the present F.I.R. is serious offence and has been done deliberately because the grand-father of the petitioner had lodged a complaint case in the year 2021 itself much before lodging of the present F.I.R. against several police officials of the Karja Police station. Petitioner has been made accused due to vengeance and personal enmity with the family of the petitioner. Such incorporation of name of the petitioner by interpolation in the F.I.R. is not sustainable. Petitioner was not apprehended at the place of occurrence and also the F.I.R. does not disclose in what manner the present petitioner is involved in illicit trade of liquor so far as the present case is concerned. He further submits that the petitioner may be released on bail on any condition as imposed by the Court and the petitioner is ready to cooperate with the



prosecution. He further submits that the two vehicles from which huge quantity of liquor was recovered are not registered in his name nor in the name of his family members and due to such vengeance, the petitioner has been roped in the present case. Petitioner is in custody since 08.09.2021.

Learned APP has opposed the prayer for grant of bail to the petitioner. However, it has been submitted that the allegation which has been made in the bail application against the police officials is of great concern which reflects that they have not carried on their duty fairly. In such circumstance, the matter requires serious consideration by the higher officials of the police department. But taking into consideration the allegation made in the F.I.R. and quantity of foreign liquor recovered from two Bolero, the petitioner does not deserve to be released on bail.

Considering the facts and circumstances of the case and allegation made in the F.I.R., huge quantity of liquor has been recovered in the present case. In several cases, this Court has observed that Muzaffarpur district has become the den of the liquor mafia. However, till date no such report has been furnished before this Court.

IG/Prohibition was directed in several cases to furnish



action taken report as to what steps he has taken to stop sale of illicit liquor which are smuggled from other states and steps he has taken to stop the same in spite of the order till date. Case after cases are being lodged and huge quantity of liquors are being recovered in the district of Muzaffarpur. This is one case in which also, huge quantity of liquor has been recovered, but the very peculiar facts of this case which has been brought on record by the petitioner is that the police authorities of Karja police station are on inimical terms because grand-father of the petitioner has filed a complaint case against several police officials in the year 2021 which were posted there.

From perusal of the F.I.R., it appears that present case has been lodged by one Mani Bhushan Kumar, S.H.O., Karja police station after filing of the complaint case no. 261 of 2021 which was registered on 26.02.2021 by the grand-father of the petitioner against the police officials of the Karja Police station before the court of Additional Chief Judicial Magistrate, Muzaffarpur.

In such circumstances, IG/Prohibition is directed to take up the matter and submit a report to the Additional Chief Secretary, Prohibition and Excise, Bihar within two weeks. The report must reflect steps taken by him to stop smuggling in the



district of Muzaffarpur which has become the den of smugglers and manufacturers of illicit liquor in the State. He must also hold an inquiry to find out as to whether the petitioner has been made accused in the present case just because the police officials of Karja Police station are having enmity with the family members of the petitioner.

Having considered the facts of the case and allegation made in the F.I.R., the petitioner who is in custody since 08.09.2021 is directed to be released on bail on furnishing bail bond of **Rs.200,000/- (Rupees two lacs)** with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Muzaffarpur in connection with Karja P.S. Case No. 125 of 2021, 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 Para-3 of the bail petition, this order will automatically loose its force.

Accordingly, this application stands disposed of.

(Purnendu Singh, J)

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