

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69896 of 2021

Arising Out of PS. Case No.-242 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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Pintu Kumar, Son of Ramesh Ram, Resident of Village - Bokaro Steel City -
L.H. More, P.S. - Bokaro Steel City, Distt. - Bokaro (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pankaj Kumar, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE A. M. BADAR

ORAL ORDER

3 14-02-2022 The applicant is given out of turn hearing on the

ground of marriage of the applicant is scheduled to be held on

15.02.2022.

The applicant is an accused in Excise P.S. Case No.
242 of 2021 (CIS No. 242 of 2021) registered for the offence
punishable under Sections 30(a) and 56(b) of the Bihar
Prohibition and Excise Act, 2018, pending in the court of
Additional Sessions Judge-II-cum-Special Judge (Excise) Act,
Gaya, by this application is seeking his release on bail during
pendency of the trial.

Heard the learned counsel appearing for the
applicant/accused. He argued that report as envisaged by
Section 91 Bihar Prohibition and Excise Act, 2016 is not even



field by the prosecuting agency and the list of articles seized cannot be turned as the report. It is a list prepared under Sections 72 or 74 of the Bihar Prohibition and Excise Act, 2016 as seen from the title thereof and therefore the entire proceeding needs to be quashed.

The learned Additional Public Prosecutor opposed the application by contending that liquor in huge quantity came to be seized from the applicant.

I have considered the submissions so advanced and also perused the material placed before me.

Prima facie I am not finding any report as envisaged by Section 91 of the Bihar Prohibition and Excise Act, 2016.

What is filed by the prosecuting agency against the applicant is an application for taking in the judicial custody as well as the list of articles found on search under Sections 72 or 74 Act II of 1915. This is the title of the said document. I am not finding any report as envisaged by Section 91 of the Bihar Prohibition and Excise Act, 2016 against the applicant.

Therefore as the applicant is undergoing pretrial detention from 06.09.2021, I see no reason to refuse bail to him though according to the prosecution case as reflected from



the said list that he was found to be in possession of more than 800 litres of Indian made foreign liquor. Hence, the order :-

i. The application is allowed.

ii. The applicant/accused in Excise P.S. Case No. 242 of 2021 (CIS No. 242 of 2021) be released on bail on executing P.R. bond of Rs.10,000/- (Rupees Ten Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions: -

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial court in expeditious disposal of the trial against him.

(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.



The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicant/accused.

(A. M. Badar, J)

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