

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1305 of 2022

Arising Out of PS. Case No.-523 Year-2021 Thana- AHYAPUR District- Muzaffarpur

BHOLA KUMAR @ INDIAN @ SHANU S/o- Yogendra Ray Resident of
Village- Kachchipakkisusta, P.S.- Sadar, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kanchan Kumari, Advocate

For the Opposite Party/s : Mr.Anil Prasad Singh, A.P.P.

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

The petitioner seeks regular bail in connection with Ahiyapur P.S. Case No. 523 of 2021, for the offence punishable under Sections 272 and 273/34 of the Indian Penal Code and Sections 30(a) and 36 of the Bihar Prohibition and Excise Act, 2016.

The allegation against the petitioner is that he was one of the persons who had managed to flee away when the police party had seized the vehicle carrying the illicit liquor. The quantity of the seized liquor from the said vehicle was 181.050 litres.

It is submitted on behalf of the petitioner that his name has been disclosed by the co-accused Chhotu Kumar who



has been released on bail today itself. The petitioner is in custody since 03.02.2021. There is one criminal antecedent against the petitioner vide Sadar Muzaffarpur P.S. Case No. 670 of 2020.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner. He further submits that trade of illicit liquor is rampant in the State of Bihar and often hooch tragedy is being occurred due to consumption of illicit liquor by the people at large and as such petitioner is involved in heinous crime and he does not deserve to be released on bail.

Considering the fact that the person who was carrying the illicit liquor in car owned by him had managed to flee away from the place of occurrence; he is nowhere connected with the illicit trade of liquor in the State of Bihar; and he will cooperate with the prosecution, this Court is of the view that the petitioner has made out a case for grant of bail.

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 Special Judge, Excise Act, Muzaffarpur in connection with Ahiyapur P.S. Case No. 523 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.

Considering the rampant growth of sale of illicit liquor in the State of Bihar, the Superintendent, Excise and Prohibition, Muzaffarpur 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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