

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1634 of 2022

Arising Out of PS. Case No.-316 Year-2021 Thana- KOCHADHAMAN District- Kishanganj

SURAJ KUMAR S/o Manoj Yadav Resident of Araria Court Itara, P.s. and District- Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Prasad Singh

For the Opposite Party/s : Mr.Nand Kumar

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 20-05-2022 Heard learned counsel appearing on behalf of the petitioner and learned APP for the State.

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

Petitioner, who is in custody since 23.11.2021, seeks regular bail in connection with Special Case No. 558 of 2021 arising out of Kochadhaman P.S. Case No. 316 of 2021 dated 22.11.2021 registered for offences punishable under Sections 272, 273 of the Indian Penal Code and Section 30(a)/32/41/47 of the Bihar Prohibition and Excise Act.

Allegation is of recovery of 709.20 litres of illicit foreign liquor from an Alto Car bearing Registration No. BR-06CP-4121 and a Mahindra Bolero pickup van bearing Registration No. BR-11GD-9765.



Learned counsel appearing on behalf of the petitioner submits that petitioner is innocent and has falsely been implicated in the present case. Nothing has been recovered from the possession of the petitioner except mobile phone and some cash. Petitioner has clean antecedent and he is in custody since 23.11.2021.

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.

The District Transport Officer, Kishanganj is directed to furnish a report with respect to the car bearing Registration No. BR-06CP-4121 and Bolero Pickip van bearing Registration No. BR-11GD-9765. The report should also contain the name of the owner of the vehicle and if the petitioner is not owner of the said vehicle, the same should be communicated to the learned Special Judge, Excise, Kishanganj 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, Kishanganj 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, Kishanganj is directed to submit his report before the learned Special Judge, Excise, Kishanganj within seven days from the date of communication of the order.

The court below is directed to release the petitioner if he is satisfied that the alleged vehicle is not registered in the name of above named petitioner, on furnishing bail bond of Rs.100,000/- (Rupees one lac) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-II-cum-Special Judge (Excise), Kishanganj in connection with Special Case No. 558 of 2021 arising out of Kochadhaman P.S. Case No. 316 of 2021 dated 22.11.2021, on such terms and conditions as fixed by the Court below.

Accordingly, this application stands disposed of.

(Purnendu Singh, J)

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