

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57383 of 2023

Arising Out of PS. Case No.-466 Year-2023 Thana- TURKAULIYA District- East
Champaran

Prakash Sah @ Prakash Kumar Sah Son Of Chhotelal Sah Resident Of
Village - Pokhara Shekh Toli, P.S. - Kotwa, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 30-08-2023

Heard learned counsel for the parties.

2. The petitioner seeks pre-arrest bail in connection with Turkauliya P.S.Case No.466 of 2023, registered for the offences punishable under Sections 304, 308, 328, 201/34 of the Indian Penal Code and later on added Sections 33, 34, 37 and 41 of Bihar Prohibition & Excise Amendment Act, 2018.

3. Prosecution story, in brief, is that on 16.04.2023 the S.H.O., Turkauliya Police Station received information that some persons have fallen ill in mysterious circumstances under Turkauliya jurisdiction and amongst them some died during the course of their treatment and the dead-bodies were cremated in haste.

4. Learned counsel appearing on behalf of the



petitioner submits that the alleged trade of illegal liquor and smuggling is going on well within the knowledge of police officers and the State administration, who are government officials and the petitioner has falsely been implicated in the present case. He further submits that the said tragedy happened due to negligence of the police officials and the excise department and not because of the petitioner against whom one excise case is pending, in which he is on bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail. He submitted that altogether seven persons died due to consuming illicit liquor and as per the allegation the same has been mentioned as illicit liquor and other drugs, which are prohibited in the State of Bihar.

6. Having considered the rival submissions of the parties as well as the fact that the FIR is against unknown persons, the police officers as well as local administration including the excise officials can not be absolved from the tragedy and they may also be held responsible for not controlling the large scale of smuggling of liquor as well as trade of the illicit liquor in the State of Bihar. The petitioner is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the court below within a period of four



weeks from today, on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise, Court No.1, East Champaran at Motihari in connection with Turkauliya P.S.Case No.466/23 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. The Additional Chief Secretary, Excise and Prohibition Department, Government of Bihar is directed to take sincere efforts to control the large scale of smuggling of illicit liquor in the State of Bihar so that the innocent people could not face similar consequences.

(Purnendu Singh, J)

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